


CA20N
XC13
-S76

GOVT



Digitized by the Internet Archive
in 2022 with funding from
University of Toronto

<https://archive.org/details/31761114669872>

CA20N
XG13
-576

Government
Publications



No. R-1

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Resources Development
Organization



Second Session, 34th Parliament
Wednesday 25 October 1989

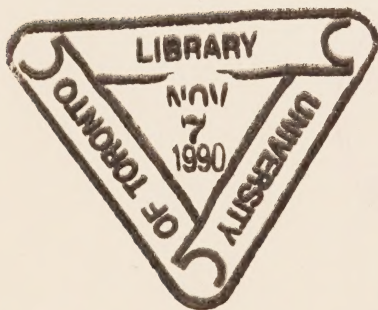
Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.



Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday 25 October 1989

The committee met at 1530 in committee room 1.

ORGANIZATION

The Chair: The committee will come to order. Members have before them the proposed agenda. Because we are operating under a new set of standing orders, which are somewhat complicated—

Interjections.

The Chair: This was the one that was sent around to all the desks. For those who do not have it, it reads:

"1. Standing orders.

"2. Bills referred to committee: Bill 208 ... "—we all know what that one is—"Bill 67, An Act to establish the East/Central Ontario Recreational Trails Commission, Mr Pollock; Bill 129, An Act to regulate the Care of Animals kept for Exhibition or Entertainment, Mr Philip; Bill 190, An Act to amend the Animals for Research Act, Mr Wildman."

I think it is important that we go through the standing orders briefly. I know some of you may be very good on them, but in terms of how it is going to affect our committee, I really think we should have a short explanation from Lynn Mellor, the clerk of the committee, on the standing orders so that we are all clear as to what is required of us now as a committee. We cannot function the way we used to with the new standing orders and I think it is really important that we all understand that so we are not in conflict over something procedurally. There is enough to be in conflict over without its being a procedural matter.

Mr Wildman: Everything works by consensus in this committee.

The Chair: Yes, right.

If that is agreeable to members of the committee, I could ask Lynn to kick off the discussion on the standing orders. Some people have to leave early; I understand that. It is important, though, that at least one of the subcommittees gets struck today so that we can talk about agenda and so forth.

Clerk of the Committee: I have handed out a pamphlet which you all have that was put

together by the clerk's office. It is basically referring to standing orders 122 and 123.

We have always had a subcommittee that would report to the committee for agenda and procedural matters. That is outlined in standing order 121. That is not the purpose of this subcommittee.

This subcommittee is to deal with these matters outlined in standing order 123, whereby any member of the subcommittee formed under standing order 122 may designate a matter to be studied and a time frame for the committee to study it, up to a maximum of 12 hours. The subcommittee that is to be struck under standing order 122 to deal with this matter must determine the witnesses and it must determine the commencement date for the study to begin.

Because the subcommittee is charged with coming up with a final answer and a final list of witnesses and a specific date to start, that report is deemed to be adopted when it is tabled with the full committee. Therefore, there will have to be some votes, I expect, at some times in the subcommittee. There is no way that the full committee can overturn that particular subcommittee's determination on the witnesses and on the commencement time.

The old subcommittee as we know it will function the same way as it did before. It will report to the committee. It will try to determine what it can about hearings on, for example, Bill 208. It will try to come up with all the answers and recommend to the committee. The committee still has an opportunity to change that subcommittee's report, but it does not have an opportunity to change the subcommittee under standing order 122 in connection with standing order 123.

You might want to go ahead now and formally form the membership of the subcommittee under standing order 122 which deals with standing order 123. That same subcommittee could serve two purposes. The people serving on it would have to remember that they are dealing with two different matters, though. They could be the same people.

The Chair: That is the subcommittee that is in the form of a motion here in the handout that Lynn gave out.

Mr Pollock: What is the subcommittee supposed to be composed of, one member from each party?

Clerk of the Committee: The chair plus one member of each caucus.

The Chair: Obviously that can change, but I think—and this is up to members of the committee—it would be helpful if there were some consistency in the memberships of these subcommittees; otherwise I can see that it could get confusing, to say the least. For everybody's benefit, I think it would be helpful if the same people were on the rather informal subcommittee, as I would call it, that recommends when we sit and all that kind of thing plus the more formal subcommittee that is in this motion here. Then there is the only remaining subcommittee; I do not know whether you want to get into that now. It would be just so we know.

Clerk of the Committee: I think maybe at another time.

The Chair: The only remaining committee is the subcommittee, which has to be chaired by the vice-chair of the committee, that can hold hearings on a matter while the full committee is hearing Bill 208, for example.

Mr Wildman: It does not have to, but if the committee directs it to, it could.

The Chair: If the committee directed it to that other subcommittee. So there are three subcommittees.

Clerk of the Committee: There is one stipulation for that subcommittee before it can meet, and it is a little phrase that says "reasonable time." With discussion with the clerk's office, it has been suggested that the definition of "reasonable time" be determined by the House leaders.

The Chair: May I suggest that we take Lynn's advice and form this first subcommittee which will conduct a meeting at a time we can agree on, because I know one of the members has a time problem. I happen to have a couple of minor ones as well. So we can sort that out once that subcommittee is struck.

Mr Fleet: May I just ask a question about the process? You referred to an informal subcommittee which, I take it, is the subcommittee as we have all known it up until this point. Do you envisage that the informal subcommittee is going to really do all the work and then at some point in time, for the sake of formality, five people will gather in a room and confirm what has been done informally?

Clerk of the Committee: There are two totally separate subcommittees. The one sub-

committee would be dealing with issues like Bill 208, determining the agenda and time frame, for instance.

Mr Fleet: That is a procedure subcommittee, for all intents and purposes.

Clerk of the Committee: Yes, whereas the other subcommittee will only be dealing with designated matters under standing order 123, and it will have to determine witnesses and commencements of hearings on matters designated under standing order 123. The report of that subcommittee, which the chair is referring to as the formal subcommittee, is the one that is deemed to be reported and cannot be changed by the full committee. The report of the other subcommittee, which would be dealing with matters on, say, Bill 208, which he is referring to as the informal subcommittee, can be changed. That is why there are distinctions between the two.

Mr Fleet: So the more formal subcommittee—we are going to have to think of a better title than this—we envisage meeting rarely, essentially?

The Chair: Let me give you an example. If I could use this as an example, Lynn, Mr Wildman has sent a letter to me and to the clerk indicating what he wants the subcommittee to deal with. He is designating, and each caucus has a right to designate, 12 hours each calendar year for an item of its choice.

Clerk of the Committee: One item.

Mr Wildman: Up to 12 hours.

The Chair: Mr Wildman has sent a letter designating the Temagami issue.

Mr Fleet: Very interesting.

The Chair: Yes, it is.

The very formal subcommittee, if I can call it that again, because its decisions are binding on the committee, cannot say, "We won't deal with that." I guess they could, but they cannot say, "We will not deal with anything"; at least that is how I would interpret the standing orders. That formal subcommittee would wrestle with this designation plus the designation that the Progressive Conservatives and the governing caucus might want to make and that is a binding decision on the committee.

1540

Mr Wildman: For the sake of avoiding confusion, why do we not call this the standing order 121 subcommittee and the other one the informal subcommittee, if you want to use that term.

Mr McGuigan: Just to put it in plain language, this provision gives opposition parties more power than they had in the past.

The Chair: Yes, it does. Two out of three can say this is the—for these 12 hours. Now, be very clear that when the government, the Legislature assigns Bill 208, that has got to be dealt with.

Mr Wildman: It takes precedence.

The Chair: We cannot overrule that. To that extent, it is still majority rules, but for the parallel designate—I know it is not the right expression—it goes back to that third subcommittee that I referred to that the vice-chairman must chair. It can hold hearings. It could hold hearings on Temagami—

Clerk of the Committee: Yes, but not Bill 208.

The Chair: —while the full committee is given Bill 208. That is the purpose of that other subcommittee which we really have not talked much about. It is complicated, I know.

Mr Fleet: I am glad you took the time to deal with this now.

Mr McGuigan: Is what you describe, would it also be a time to, say, split the committee and part of the committee goes to Ottawa and part goes to North Bay?

Clerk of the Committee: No, that is not the purpose of this committee. The purpose of this subcommittee chaired by the vice-chairman is to deal strictly with the issues designated by the subcommittee or by a member of the subcommittee and outlined in standing order 123. That is the only purpose of that subcommittee that is chaired by the vice-chairman. They cannot make any decisions on behalf of the committee. They can only hear and report back to the committee what they have heard.

The Chair: That is a good point.

Clerk of the Committee: And that 12-hour time frame is still in effect. If you start off the hearings in the full committee and you get three hours done and you are off on another issue and then you are in a situation where the subcommittee takes up where the full committee left off, then the clock keeps ticking just like it did with estimates. You have got a time frame and it will be recorded and carefully looked at.

Mr Wildman: So the vice-chairman's subcommittee, if you want to use that term for the other subcommittee, the third one, can only deal with these other matters that have been designated. It cannot be used as a way of splitting the committee when you are dealing with

government legislation so that some of the committee might go to North Bay and some to Windsor. You cannot do that.

The Chair: The best example, because it is before us, is that the full committee presumably will be going ahead with Bill 208 and this subcommittee, if that is the determination, would hold its own set of hearings on Temagami.

Mr Fleet: That is a hearings subcommittee.

The Chair: That is a hearings subcommittee.

Mr Miller: At the same time?

Clerk of the Committee: At the same time, but only related to the issue of, for example, Temagami.

Mr Dietsch: My understanding then is that the issue, for example, as has been put before this particular committee, the request for Mr Wildman to look at Temagami—and I do not know what the letter is because I have not seen it, but the point is that this committee, this general committee as we are gathered here today, would have an opportunity to agree or disagree with that particular subject matter. Am I correct?

The Chair: Not with the designation of Temagami.

Mr Wildman: The standing order subcommittee would designate whether or not you were going to do it. They would decide, and then if they decided, the rest of the committee could not overrule them.

Clerk of the Committee: The subcommittee that the issue of Temagami would be referred to, the subcommittee that the motion should be coming forward now to have the membership of. The issue and the time frame are designated by a member of the subcommittee, but that subcommittee must determine when it commences, not whether, and who the witnesses will be.

Mr Dietsch: Okay. That means that subcommittee, once it is formulated, will deal with that particular request. There is no choice.

Clerk of the Committee: The subcommittee must come up with the answer for the witnesses and must come up with the commencement date.

The Chair: We cannot overrule that.

Clerk of the Committee: The full committee cannot overrule. The report is deemed to be adopted.

Mr Wildman: I am not trying to confuse things, but if the whole committee, that is, the committee at large, did not have government legislation before it, then the subcommittee could decide that one of these designated matters could be dealt with by the whole committee. It

would not have to be dealt with by the vice-chairman's subcommittee.

Clerk of the Committee: Yes. The vice-chairman's subcommittee would only hold the public hearings on the issue if the full committee was busy and the definition of reasonable time had been determined by the House leaders.

Mr Wildman: With our kind of agenda, our committee always has a lot of important legislation brought before it, so we are not likely ever to be in that position, but conceivably might be at some time.

Mr Riddell: But did I understand you to say, Mr Chairman, that with the likes of Bill 208 now, which has been designated to committee by the Legislature, part of this group could be sitting on that bill with your subcommittee sitting on the Temagami?

The Chair: Exactly.

Mr Riddell: With a bill as important as Bill 208, does it make a lot of sense that half the committee should be gone?

The Chair: I think it is a good question.

Mr Wildman: That is a good argument.

The Chair: That is a very good question. The subcommittee might decide that, "Hey, we have our plate full," especially the opposition. I do not know what it's got in mind, but it might decide there is enough on our plate with only two members on the committee without hiving it off further.

Clerk of the Committee: Which is why the House leaders determine the definition of "reasonable."

Mr Fleet: Because they have to determine whether to inform the government, one way or the other.

Mr Wildman: Government legislation takes precedence, and then they have to determine whether or not that government legislation has taken up more than a reasonable time to hold up the other things.

Mr Fleet: The other procedural aspect that this would seem to imply is that once we hold this meeting today, presumably the subcommittee that looks into the question of designations will have to do its work so that we will know what the designations from all three parties are. We now have some sense of one at the moment.

Clerk of the Committee: They can be designated at any time in one calendar year. When the chairman and I have received—there is a form letter attached to the back here—the request in that form, then it is the responsibility

of the chair to have that subcommittee meet as soon as possible to determine what it is going to do about this request.

Mr Wildman: So all three parties do not have to designate something immediately.

Clerk of the Committee: No.

The Chair: Say this is a Wednesday. Normally we would get together with that committee next week. If that is a problem we should talk about it, that kind of thing. May I suggest—I know Doug Wiseman has to leave shortly—that someone move this motion with names in it so that we can get that procedural matter out of the way.

Mr McGuigan: I move Mr Dietsch for our party.

Mr Wiseman: I move Mrs Marland, and if she does not take it, I will.

The Chair: If what?

Mr Wildman: He is moving her to do it. If she will not do it, then he will.

Mr Wiseman: She is away. When you are away, you sometimes get put on—

The Chair: When will she be back then?

Mr Wiseman: Tonight.

The Chair: I see.

Mr Wiseman: But not until late tonight.

The Clerk of the Committee: I guess Mr Wildman is moving Mr Wildman.

The Chair: He is moving Mr Wildman; I heard him say that.

Mr Wildman: That would make it easier for the clerk, because she would only have to phone three people.

Mr Fleet: He is an amazing chair to have such good hearing.

The Chair: It is called democratic centralism.

Clerk of the Committee: So the the subcommittee, under standing order 122, would be Mr Laughren, Mr Dietsch, Mrs Marland and Mr Wildman. That would be to deal with the matters on standing order 123.

The Chair: Is this a good time to set a meeting and discuss that? Would you say that?

Clerk of the Committee: If Mrs Marland is not here—

The Chair: It would not be this week anyway. Does the committee want to get this thing moving next week? I know Mr Dietsch is a problem. Do you want to leave it until the week after that? I am certainly easy on that.

Mr Dietsch: I would request of the members who are present, could we meet on 6 November after routine proceedings?

The Chair: That is a week from Monday.
1550

Mr Dietsch: Yes.

The Chair: You are saying this is the designated—

Mr Wildman: The standing order committee.

The Chair: That is what you are saying, Mr Dietsch?

Mr Dietsch: Yes.

The Chair: Rather than the full committee.

Mr Dietsch: It would be helpful if I had a copy of that.

The Chair: Yes. We have received a copy of a letter from Bud Wildman, saying, "For the purposes of standing order 123, I request that the subcommittee on committee business meet to consider a report to the committee on the following matter to be designated for the consideration by the committee...." This is the formal wording.

Mr Wildman: I copied that. I did not make it up.

The Chair: Right.

"The Ministry of Natural Resources record and plans for forest resource management in the Temagami region and in particular the report recently published entitled The Need for a Land Stewardship, Holistic Resource Management Plan for N'Daki Menan by Crandall A. Benson, Harold Cumming, Hank Akervall and Willard Carmean, which report deals with forest resource management in the area of Lake Temagami and the need for new approaches for sustained yield of old-growth red and white pine in that area and which was commissioned by the Bear Island Indian Band and funded by the Ministry of Northern Development and Mines.

"Twelve hours of committee time would be required for consideration of the matter.

"Bud Wildman, MPP (Algoma)"

That is what Bud has referred to that subcommittee. Is there an agreement on 6 November? Is that suitable with all three parties?

That means that this matter, and there may be others at that point, will be referred to that subcommittee, the standing orders committee, on 6 November for consideration. We will send a notice around for that so that we are all aware of that. Is there anything further on that?

Mr Riddell: What does the subcommittee do then? It has been referred to the subcommittee. Is

it the only body now that is going to be involved in this Temagami thing?

Mr Wildman: No. They have to decide whether or not—

The Chair: —they want to do anything with it.

Mr Wildman: And when it will happen.

Mr Wiseman: But if they decide to go ahead—

Mr Riddell: Then it comes to the body at large.

Mr Wildman: Yes.

Mr Wiseman: But we cannot turn it down.

Mr Wildman: That is right. We cannot turn it down.

The Chair: Once they decide they are going to deal with it, when they are going to do it, they deal with it.

Mr Riddell: That is fine.

Mr Fleet: Subject to government bills.

Mr Wildman: Yes, that is right.

The Chair: Absolutely, but also, they could refer it to the subcommittee.

Mr Wildman: The vice-chairman's subcommittee.

The Chair: The vice-chairman's committee.

Clerk of the Committee: Subject to the House leaders.

Mr Fleet: Sending it out to the hearings committee—

The Chair: Yes, that is a better way to say it.

Mr Fleet: —would be determined by which body?

Mr Wildman: The House leaders have to determine whether more than a reasonable time has elapsed dealing with Bill 208, for instance. So the question of reasonable time is up to the House leaders. Is that right?

Clerk of the Committee: That is my understanding from discussions within our own office.

Mr Dietsch: Could I ask you to just run this by us one more time, please?

Mr Wildman: Let's say the whole committee is dealing with Bill 208, and we spend three weeks, for instance, working on Bill 208. Then I suppose I could go to our House leader and say: "Look, the subcommittee designated we would deal with Temagami and we have been dealing with Bill 208 all this time. Isn't it reasonable that we should start working on Temagami?" I guess he would have to discuss it with the other two House leaders, and if they came to the conclusion it was reasonable we should start Temagami, then—

Clerk of the Committee: Or it could be up to the committee to send a letter to the House leaders, saying: "Look, we're on Bill 208. It has been raised that perhaps the House leaders could consider what a reasonable time would be, to be determined for the subcommittee to meet on the issue."

Mr Wiseman: Are we going to elect the other committee?

The Chair: Okay.

Mr Wiseman: It is 6 November, is it not—

The Chair: Yes.

Mr Wiseman: —that the striking committee was to meet? Will they discuss at that time, or will we be doing it as a larger group, which of the bills that have been referred out to us we will deal with first? Will that be done by that committee or will we be—

Clerk of the Committee: That is not this committee. No, the other one.

The Chair: That would non-standing-order committee, the more informal committee.

Mr Wiseman: Who are the same people.

The Chair: They can be the same people. Is that the wish of the committee?

Mr Wildman: They might as well be the same people.

Mr Wiseman: The ones we just appointed are the ones who have been acting on the—

The Chair: That is correct. Is that in agreement then? Do we need to do anything more formal than that? Okay, then let's assume that.

Mr Wiseman: Will they have time then to—

The Chair: Mr Wiseman raises a good point. Perhaps at that same meeting on 6 November, we could end one discussion and start the other—they have to be dealt with separately—if that is appropriate.

Mr Wildman: That makes sense.

Clerk of the Committee: Everyone should be prepared then to discuss Bill 208 and the other three bills and any matters relating to them.

The Chair: Yes, and what the caucuses should be. Make sure your designated person on the committee has the—what is the right expression?—not authority, but that he or she understands that we will be discussing scheduling of those private members' bills, when we start Bill 208 and whom we call first. We should be discussing all that kind of stuff on that date.

Mr Fleet: I just would like to ask the question I asked earlier, and I am not sure if I totally understand the process, because I take it people

will make different decisions at different times about how they want to proceed. For instance, if the full committee is going along on a public bill and one of the committee members wants to go to one of the designated matters, I understand that the House leaders have to have a decision about it, but is it necessary for the full committee to pass a resolution requesting that the House leaders think about making that decision?

The Chair: I do not think so.

Clerk of the Committee: That is not an area we have covered completely, but I would suspect that the outcome of that would be a that request go to the House leaders and that the definition be made by the House leaders, but a request for definition of the time frame at that—

Mr Fleet: I would have thought the full committee would have to make a request, because the concept is that the committee is asking for help, in a sense, and only the full committee can do that by a vote, and not an individual member, for instance.

Clerk of the Committee: But then that would be predetermining the decision for the House leaders, virtually.

Mr Wildman: No, that is not what he is suggesting.

Mr Fleet: No, it is just putting a request for them to contemplate the decision; not to make the decision, but to sort of put them on formal notice. I mean, as a practical matter, informally somebody might go to the wrong House leader and ask for a decision, and I would think that is not what ought to happen and that it ought to go through the committee.

Clerk of the Committee: There should be a letter from the chair to the House leaders, I would think.

Mr Wildman: Essentially David is saying, though, that he is not suggesting the committee would pass a resolution that we start this designated matter two weeks hence, but rather that the committee request the House leaders to consider when would be a reasonable time to start it.

Mr Fleet: Exactly. So the House leaders are dealing with a formal request as opposed to something informal.

Clerk of the Committee: Could I get back to you with an actual answer on that one? That particular approach had not been discussed. I thought we had already, but we did not.

Mr Fleet: I think it is self-evident why you would want to do that; it is so that people can

keep track of what the likely scheduling process is going to turn out to be.

Mr Wildman: I think it is rather interesting that we are contemplating this approach in dealing with the House leaders, when everyone knows that House leaders always say that committees are independent.

The Chair: We have been down that road before.

Mr Fleet: You do not really expect a reply, do you?

The Chair: Is there any other business we can deal with?

Clerk of the Committee: We have referred the bills to the subcommittee and we have referred Mr Wildman's matter. I think that is it.

Mr Wildman: We did not have to elect a chairman or vice-chairman?

Clerk of the Committee: No.

The Chair: Is it agreed then that on 6 November at 3:30 we will have that subcommittee meeting, not the full committee?

Mr Wildman: Yes.

The committee adjourned at 1558.

CONTENTS

Wednesday 25 October 1989

Organization	R-3
Adjournment	R-9

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

- Chair:** Laughren, Floyd (Nickel Belt NDP)
- Vice-Chair:** Wildman, Bud (Algoma NDP)
- Dietsch, Michael M. (St. Catharines-Brock L)
- Fleet, David (High Park-Swansea L)
- Lipsett, Ron (Grey L)
- Marland, Margaret (Mississauga South PC)
- McGuigan, James F. (Essex-Kent L)
- Miller, Gordon I. (Norfolk L)
- Pouliot, Gilles (Lake Nipigon NDP)
- Riddell, Jack (Huron L)
- Wiseman, Douglas J. (Lanark-Renfrew PC)
- Substitution:**
- Pollock, Jim (Hastings-Peterborough PC) for Mrs Marland
- Clerk:** Mellor, Lynn





No. R-2

Hansard

Official Report of Debates

Legislative Assembly of Ontario

**Standing Committee on Resources Development
Organization**

Second Session, 34th Parliament
Wednesday 15 November 1989

Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday 15 November 1989

The committee met at 1539 in committee room 1.

ORGANIZATION

The Chair: The standing committee on resources development will come to order. We have been called into session this afternoon to deal with the report of the subcommittee on committee business.

Members will know that according to the standing orders, one said subcommittee arrived at a determination as to what the committee was going to be doing outside the purview of Bill 208. We must receive that report, and it is deemed to be received, on the Temagami issue. You have in front of you the report of the committee, which talks about how we are going to handle the 12 hours to deal with Crandall Benson's report on forestry management in the Temagami area.

You also have in front of you the full report, which is this one with the elastic band around it; plus our intrepid research officer, Lorraine Luski, to my left, has done a summary of that fuller report, with the highlights of it, to make it easier to wade through.

The subcommittee recommended, and it is deemed to be accepted by this committee, according to the new standing orders, that tomorrow we will hear from Mr Benson and one of the other two authors, I think?

Clerk of the Committee: All four authors.

The Chair: All four of them, okay, for the afternoon session tomorrow, so that is going to be an important session. On Monday we will hear from the Ministry of Natural Resources. I am sure that they will be monitoring tomorrow. Then on Wednesday, a week from today, Chief Gary Potts from the Bear Island Indian Band will have an hour and the Temagami Wilderness Society an hour. Then Thursday, a week from tomorrow, the Temagami Forest Products Association and the International Woodworkers of America will have an hour each, and then on Monday, a week from next Monday, Ron Prefasi, the reeve of Temagami, and members of the advisory council will have an hour.

Clerk of the Committee: He has a problem.

The Chair: That is right. He is a teacher and he may not—

Clerk of the Committee: Also, the other member of the advisory council may be out of the country at that point, so they are going to get back to me.

The Chair: Then for any time left over the committee would give direction to Lorraine, who I hope will still be with us, to prepare a report, a very brief report, obviously, in the time that we would have at our disposal.

Mr Dietsch: Have we given Mr Prefasi an alternative time? Is it just the one day that he has a problem with?

Clerk of the Committee: No, he is a full-time teacher.

Mr Dietsch: Then the balance is out, the total rest of that week, or is another day more acceptable?

Clerk of the Committee: Yes. He is a teacher; he teaches full-time up north. He cannot get away.

The Chair: It is not a question of the day.

Okay, that report is deemed to be accepted by the committee. We are not here to debate this, but simply to make sure that all members understand where we are headed. Those are the new standing orders. It is not an élite group making a decision; that is what it says.

Mr Fleet: Assuming that we stick to the times that are allocated, and as I understand it we are obligated to stick to the times that are allocated, the so-called remaining time, by my calculation, would be some two hours. Do I understand that two hours is our limit for considering what we have heard in the previous 10 hours?

The Chair: That is correct.

Mr Fleet: So, in the wisdom of the standing orders, we are supposed to have digested what we have had for 10 hours, judiciously discussed it all around, with all members contributing fulsomely, and then come up with the wisdom of a good decision in two hours.

The Chair: That is one way of putting it.

Mr Wiseman: It would be helpful for our good research officer here, who always helps us—

The Chair: I do not dispute what you are saying, Mr Fleet, but another way of putting it is that the subcommittee, and I am sure those members who are on that subcommittee will

correct me if I am wrong here, felt that we could not hear from less than the people on this list; those people had to be heard from if we were going to deal with the issue at all; there is nobody on there that you could really knock off the list; and you could not ask people to come down from up there and give them less than an hour. It was not that everybody was happy with this schedule, it was a very severe restriction of 12 hours that the standing orders impose on the committee system.

Mr Fleet: I can appreciate the difficulty of the subcommittee. It was sort of highlighted at the beginning as somebody with, certainly, an interest in this issue, and I think it is a very important one. It is going to be really difficult for us, obviously, to do the things we set out for ourselves.

The Chair: It may be. I do not want to prejudice what the committee does. It is conceivable that the committee could not come up with a final report, but I would hope that if we go through this exercise, we could come up with something at the end of it.

Mr Fleet: Presumably Lorraine will be working assiduously as we go along so that we can deal with it as quickly as we can.

Mr Wildman: I was just going to say that obviously our researcher would have the opportunity, during the time of the hearings and after, to prepare a summary of what we have heard. Obviously, we cannot expect her to write some kind of conclusions, but she can prepare a summary of what we have heard so that we would then have that to consider outside of the time allocated individually, in order to be a little better prepared when we actually come to spend the two hours in committee trying to come up with some kind of a report.

Then how we do that I do not know. It is going to be very difficult, because if we have to come up with some sort of recommendations in a committee, we will have to spend time doing that. Then I suspect that Lorraine would have to go away and draft those, and then hopefully we would have time for her to bring back the draft to see if that was acceptable to the members of the committee, so the time constraints are going to be very difficult.

The Chair: Maybe we will only want to use an hour that one day and use the balance of the time when Lorraine has had a chance to prepare something.

Mr Fleet: Might I suggest then that members, and it may boil down to parties, having particular

submissions exchange those prior to the last set of considerations, just, if for no other reason, so we can read them without wasting time?

The Chair: That is possible.

Mr Wiseman: My suggestion is a lot the same as Bud's, in that in the other committees Lorraine has always given us a summary, as much as she can the next day. I suppose if we meet back to back on Wednesday and Thursday, of course, we will not get the Thursday one until Monday. I do not know whether we expect her to work all night on Wednesday to give us a summary on Thursday, but she has always been good at doing that, and perhaps if some of the presenters do not use their whole time we might have to rearrange the schedule a little. It might give us an extra hour or something to review whatever we want of the last and then play it by ear, but it will be tight.

Mr McGuigan: I have a couple of questions about the process. First of all, I have no quarrel whatsoever with the people you have chosen, but looking at the process in general, is this the way it works that the subcommittee not only chooses the subject but also the people who are going to participate in that subject? What if there was someone on here who the committee as a whole might say has no business whatsoever being on such a committee? Have we nothing to say about that?

The Chair: You could lobby your member on the subcommittee, the same as the other two parties, and they presumably could change that, but the committee as a whole does not have a right to alter the report, right?

Clerk of the Committee: No. Once the report has been received, it is deemed. The time to do your lobbying of the member of your caucus that is on that subcommittee is when he or she is working on the process.

Mr Fleet: Democracy in action.

The Chair: I would assume that if there were unanimity on the subcommittee—

Mr Wildman: In other contexts, it is called democratic centralism.

The Chair: Okay, anything else on the—

Mr Fleet: We dislike those kinds of principles too, Bud.

Mr McGuigan: I had a second question on that. Have these people been given any instructions, or are there any limits to their talk? For instance, do they address the Benson report or is it a wide-ranging presentation that they make?

The Chair: That is a very good question. Because the motion, if that is the right term, that was put in by Mr Wildman dealt with the Crandall Benson report, that is what these people have been asked to address. For example, Chief Potts was not asked to come down and talk about his blockade of the Red Squirrel Road.

Mr Wildman: Or his land claim.

The Chair: Or the fact that he was arrested today.

Interjections.

Mr Wildman: Well, who knows what he can do? What he has been asked to do is that if he were to speak about his band's land claim, it can only be in the context of what Crandall Benson has said in the report.

Mr Dietsch: That is going to be very difficult for you, Mr Chairman. I have no doubt that you can do it, but it is going to be a very difficult job for you.

The Chair: We will really try to make sure they do that, because otherwise we end up with no focus at all. The other issues are just too broad.

Mr Wiseman: I wonder if I could just clarify Jim's first point. Say we are all in agreement with the Temagami hearing and one thing and another, but when the three people, one from each party, meet with yourself, Mr Chairman, to discuss the layout and who we are going to have come to speak to us and one thing and another, would it be in order, because we are starting down a different path than we have ever been on before, if perhaps before it is all done like we see it here today, the clerk notifies us of who the presenters will be and so on, so that if we did have a problem with one or two of the people who would be coming, that would be done before it got printed in the final form, when we do not have any say? I know our liaison person who sits on that committee should tell us, but sometimes that may break down and we may not know who the individuals are who are asked to come.

I think that would cover Jim's problem, or maybe suggestion, that we know ahead of time, before it becomes final, who the people are going to be and make it known to our representative on that committee that we object to that person being on there or we want so-and-so on there and see what can happen.

The Chair: That is a difficult one, because I do not know how else you handle it other than that that subcommittee makes its determination. They have to have an agreement on the subcommittee or it will not happen. I do not see

any way around that. Then it has to come back to the committee. The report has to be tabled here. Even though you cannot change it, it has to be brought back to the committee as a whole.

Mr Wiseman: I just feel we are rubber-stamping something—

The Chair: Yes, you are.

Mr Wiseman: —that maybe we really do not agree 100 per cent with.

The Chair: There is no sense arguing about that. The standing orders say that the subcommittee's recommendation or report is deemed to be accepted by the committee. We cannot do anything about that.

Mr Wiseman: I know, when it is in this final form, but I just wondered if we could all be notified as to what the committee has decided and who the presenters will be before it hits this final form. Maybe we cannot do it. If there are any problems, maybe we can change them before they get to the final draft.

Mr Dietsch: I think I can help in terms of trying to address the point, and I think the point is a valid one.

You have to remember that we are really going through a ground-breaking exercise, because this is the first of its kind in dealing with this standing order, so we are really the pilots of how it will work in the future. I think when we get an issue that we are going to discuss, it generally comes before the whole of the committee. Members may very well want to inform their particular representative on the subcommittee at that point of their views, and people who could best represent those views, so that that is taken forward. I think then your representatives on the subcommittee will have that understanding of how they feel. It is really up to the members on that subcommittee to keep a reasonably close working relationship with their colleagues.

The Chair: I felt the same way as Mr Wiseman, I must confess. I think that is because I am used to dealing with the old system in which the whole committee made the decisions.

Mr Dietsch: That is right.

The Chair: Do not forget this has nothing to do with what the government motion or the legislative motion has determined the committee is going to do, which is Bill 208. A subcommittee could not get away with that with Bill 208, for example.

Mr Dietsch: Thank God.

The Chair: That is why when this committee adjourns, shortly, I hope, there is going to be

another subcommittee meeting dealing only with Bill 208 and then that will come back to the full committee and will be more openly debated and will not be deemed to be accepted, because it is government business. I would not say it is more important, but it is government business that comes right from the Legislature.

Mr Dietsch: It sure is more important.

The Chair: Anyway, I would not make that determination.

Mr Dietsch: You will, in time.

The Chair: Any other comments or questions?

Mr Wildman: I will not comment directly on whether or not this is important or more important than Bill 208. Certainly Bill 208 is important and I think this is when one considers that today 16 people were arrested. Chief Potts, Grand Chief Gordon Peters of the Chiefs of Ontario and Chief Frank Beardy of the Muskrat Dam reserve in northwestern Ontario were all arrested among those 16 at Temagami today. There is apparently a good atmosphere there between the police and the demonstrators and there have not even been any verbal exchanges other than friendly ones. Both the police and the Indian people on the road on the weekend participated jointly in a Remembrance Day service on Saturday, on the road, but certainly there has been an injunction and so on and it is a difficult situation.

I just wanted to say I appreciate the work that Lorraine has done in summarizing the Crandall Benson report. It is quite technical. I was just wondering, though, if copies of the report will be available to individual members of the committee.

The Chair: It is the one in the elastic there.

Mr Wildman: Oh, it is. Okay, good. Sorry.

The Chair: Anything else? If not, we should wind up the committee meeting.

Mr Dietsch: Can I ask one more question? Not to belabour it, but so that all members are clear, I am given to understand that these people have been all informed of their times, or will be informed. How will that work?

The Chair: They have been.

Mr Dietsch: They have been informed and it has been tentative, and now it will be confirmed that they will meet at this time?

The Chair: They already know they are coming. It is all in place.

Mr Wildman: Except the last one.

The Chair: Except the last one, and in some cases we have agreed to pay expenses for them to come down from the north and so forth, so there is no problem.

Mr Dietsch: Okay.

Mr Wiseman: Could I just ask one one more question? In this committee do we help the presenters with their travel expenses like we do in a regular committee?

The Chair: Yes, if they request it. I think it is only fair. Remember when we talked about going to Temagami, the only reason we did not go to Temagami was the time problem of 12 hours. Most of us really would have liked to have gone to Temagami.

Mr Wiseman: Also, I do not want to prejudge any of the process here, but perhaps all of us on the committee might consider whether one of our recommendations might deal with the process as well as with the subject matter before us. If we find that, for instance, the 12 hours is very difficult to deal with a matter in, perhaps we might make some recommendations to the House with regard to that matter, since I understand a number of other committees have already made unofficial approaches to all three House leaders about the difficulties with making this process work.

Mr Pollock: I am just taking off where Bud left off. I understand that you can ask for another 12 hours. Is that not correct?

Mr Wildman: There are 12 hours for each party.

The Chair: The PCs could ask for 12 hours, but—

Mr Pollock: On the same subject or another—

Mr Wildman: That is unclear.

The Chair: Let me back up a little bit here. Not to make you feel uncomfortable, but—

Mr Pollock: You are not bothering me.

The Chair: Okay. There was a suggestion that there be 12 hours from Mr Wildman's motion to deal with Temagami—

Mr Pollock: Yes, I understand that.

The Chair: —and that the PCs add on 12 hours of their own on Temagami, so there could be 24 hours and the committee can go to Temagami and so forth.

Mr Pollock: But Mr Wildman could not ask for another 12 hours.

The Chair: No, absolutely not.

Mr Wildman: No, it would have to be the Conservative Party and the Conservatives decided not to.

Mr Wiseman: Then you would lose your—

Mr McGuigan: That is right.

The Chair: You cannot have a bill as part of this subcommittee, you can have a matter dealing with a bill. For example, Mr Pollock, your area of the recreational trails—now there is not going to be 12 hours left, I do not think, but—

Mr Wildman: Before the end of the year.

The Chair: Yes, it has to be by the end of the calendar year. You could demand that your 12 hours be used dealing with that issue—not the bill. It cannot deal with the bill before the subcommittee, but you could have your issue dealt with. You would have to get that through your caucus to deal with it.

Mr Pollock: I know what I want them to deal with.

The Chair: In the new calendar year you might want to think about that.

Mr Dietsch: Not to add to the confusion but to try to help clarify a little bit too, there is nothing stopping Mr Wildman, who feels that 12 hours on this subject is not enough, from requesting an additional 12 hours next session on the subject again. There is nothing stopping that from happening at all.

Mr Wildman: That is true.

The Chair: When this committee adjourns, the regular business subcommittee will meet to determine Bill 208, to talk about scheduling for Bill 208. Then I feel uncomfortable with this, because after that the next time we can meet is a long way ahead to inform the full committee. I think we will have to send a note around. It will be the middle of next week before we could even meet again because of the other commitments. I

think that if the subcommittee agrees, we should inform the full committee what the Bill 208 plans are, because I think it is not appropriate for the full committee to have to wait a week to find out what is going on.

The problem is that if the subcommittee goes through the agenda for Bill 208, with the number of weeks and the locations and all that sort of thing, and then somebody sends that out to the media or talks about it too widely, at that point the full committee could overturn that. Do not forget that this is the business subcommittee, not the one that we have just been dealing with.

Mr Fleet: Subcommittee number one.

The Chair: Right, so that is the only problem. I think tomorrow at the beginning of the meeting we might even want to think about telling the committee exactly what is going on, because it is not appropriate.

Mr Dietsch: I would like to suggest that you are quite right, it is not appropriate that committee members should have that spread in time in between, even though we notify them ourselves, but perhaps we could meet 15 minutes earlier tomorrow and put the views of the subcommittee to the committee members.

The Chair: Let's do that. We would not want to get into a long debate, and I hope members would agree to that, because of the time restrictions on these witnesses appearing before us on the Temagami issue. We will sort it out tomorrow. Let us adjourn the committee now and the subcommittee will meet to deal with the business on Bill 208.

The committee adjourned at 1604.

CONTENTS

Wednesday 15 November 1989

Organization	R-13
Adjournment	R-17

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

- Chair:** Laughren, Floyd (Nickel Belt NDP)
Vice-Chair: Wildman, Bud (Algoma NDP)
Dietsch, Michael M. (St. Catharines-Brock L)
Fleet, David (High Park-Swansea L)
Lipsett, Ron (Grey L)
Marland, Margaret (Mississauga South PC)
McGuigan, James F. (Essex-Kent L)
Miller, Gordon I. (Norfolk L)
Pouliot, Gilles (Lake Nipigon NDP)
Riddell, Jack (Huron L)
Wiseman, Douglas J. (Lanark-Renfrew PC)
- Substitution:**
Pollock, Jim (Hastings-Peterborough PC) for Mrs Marland
- Clerk:** Mellor, Lynn
- Staff:**
Luski, Lorraine, Research Officer, Legislative Research Service



*Consolidated
Edition*

No. R-3

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Resources Development

Organization

Temagami District Resources

Second Session, 34th Parliament

Thursday 16 November 1989

Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Thursday 16 November 1989

The committee met at 1522 in committee room 1.

ORGANIZATION

The Chair: The standing committee on resources development will come to order. Just before we get on with the business of the Temagami report, there is a matter of business we must clear up as a standing committee. It has to do with the scheduling for Bill 208.

The subcommittee of the committee met yesterday and there is a report in front of members based on that meeting and based on correspondence with the House leaders and the whips. If I could boil it all down, it means that in the week of 11 December we will get briefed by the ministry on Bill 208.

Commencing on 15 January and running for six weeks, five of which will be public hearings, one of which will be clause-by-clause, the committee will deal with Bill 208, An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act.

It was further agreed that the communities we will meet in will be Toronto, Sudbury, Timmins, Sault Ste Marie, Thunder Bay, Dryden, Ottawa, Kingston, Windsor, London, St Catharines, Kitchener-Waterloo and Hamilton.

Unlike Bill 162, we will have half-hour slots rather than 20 minutes because there was a lot of problems with the 20-minute slots. It will be on a first-come, first-served basis unless of course three locals of the Canadian Auto Workers come in Windsor. We would slot them in under an umbrella group, such as the CAW as a whole, rather than automatically give them standing before the committee just because they happened to be there first.

If there are any questions on that, we could hear them briefly—I hope briefly, because we must get on with the hearing—and then, following the questions, could someone move a motion if it is acceptable to accept this? There is also a letter that will be going out to the groups. The mailing list was provided to us by the Ministry of Labour. It is not our list. If any members want to see a copy of it, we have it here.

Mr Fleet: I have two questions. Are the six weeks starting in January consecutive?

The Chair: Actually, we did not decide that.

Mr Dietsch: It was our intention, though.

The Chair: I think it was the intention. It actually was not put. That was just sort of accepted as we went on.

Mr Fleet: House leaders have a tendency to jumble these things up if they are given the opportunity. I would rather, for the purposes of just planning schedules, know at least what they are, preferably consecutive but, if not, at least whatever they are going to be.

My other question is with respect to your comment about first-come, first-served. It is quite possible that we would get, either in individual locales or on an overall basis, more people wanting to come to speak to the committee than we will have time available. I hope that we could arrange it such that province-wide or major sector representative groups would be sure to get heard. I do not want to rule anybody out, but at least that the larger representative groups would somehow be able to be fitted in for sure. I assume there is no objection to that, for the scheduling to take that into consideration, because if we cannot hear some groups, it seems to me that would be some reasonable way to ensure that we have at least had a representative point of view presented at the committee.

The Chair: I agree with that. We certainly wrestled with that with Bill 162. I think, though, that the one argument nobody could make against us is that his umbrella group had not been heard from. Maybe they did not get heard but certainly their umbrella association was.

Mr McGuigan: There is another side to that. Perhaps there would be some smaller organizations excluded due to the umbrella organizations appearing several times. I was wondering how we work that into our considerations.

The Chair: I am trying to think of an example. We did not allow the Ontario Federation of Labour to appear more than once. We did allow people like the United Steelworkers of America to appear more than once, in different communities. I do not know, I guess that is just a line we walk.

Mr McGuigan: Just to get it on the record, it should be a consideration.

The Chair: Okay. Members should be thinking about that consecutive weeks thing, too.

Mr Wildman: I want to respond to that. I think our intention on the subcommittee certainly was that it would be consecutive weeks. However, as most of the parties schedule meetings in the break, there is a possibility we may run into that. As I understand it, our caucus is planning to hold a meeting starting 28 February for two days, so that would interfere.

Mr Dietsch: No, it will not interfere. We will be done before that.

Mr Wildman: Hopefully. I think that would be the sixth week, would it not?

Mr Fleet: Could I perhaps just ask the chairman to inquire and to simply inform the members at the earliest opportunity? That is maybe the best we can do here.

The Chair: Fair enough. Any other questions on the report from the subcommittee?

Mr Dietsch: Can I make one more point? I think it is a valid concern. My understanding when I added up the six weeks consecutively, as the committee said, is that it ends the week of 19 February, so 23 February would be the end of the six weeks. That is why I responded "no."

The only thing that would change that, of course, is if—and this committee decided not to go back to the government House leader and request an additional week for seven weeks and to do two weeks of clause-by-clause. So my understanding, based on that decision, is we will be done.

The Chair: Sounds good to me.

Mr Wildman moves the committee accept the recommendation of the subcommittee for the agenda on Bill 208.

Motion agreed to.

1530

The Chair: Thank you very much for dealing with that with such dispatch. There is one other question, sorry. On the matter of the Temagami issue, Ron Prefasi, who is the reeve of Temagami and also a member of the Temagami Advisory Council, has great difficulty in attending on 27 November. He would prefer very much if he could come on 4 December, which is the following week.

I hasten to add that the committee would normally have finished by then. I hope that the committee would agree to hold off and let him come down and make his presentation on 4 December. We would not be able to continue meetings that week, because we would go over

the 12 hours. We would simply call a halt there because I think it is important that we hear from the reeve.

Mr Dietsch: I can see no problem with that. If he is available to attend on 4 December, I think we are very interested in hearing his opinion and it is perfectly okay.

Mr Wildman: I would agree.

The Chair: That is then agreed.

Who is this fellow, Roman Brozowski?

Clerk of the Committee: He is the interim chairman of the Temagami Advisory Council.

The Chair: Yes. He could not get hold of him. He will be back. He is out of the country, so we will let him know.

Mr Dietsch: My understanding is the request is open to him as well.

TEMAGAMI DISTRICT RESOURCES

The Chair: Now we can get on with the business of the committee, which is to deal with the forest resource management in the Temagami region report. We have with us Mr Benson, Dr Cumming, Dr Akervall and Dr Carmean, all from Lakehead University and authors of the report on forestry in the Temagami region. Gentlemen, I do not know who the spokesperson is, but we are very pleased that you are here before the committee and that you could find time to come down here. We look forward to hearing from you.

LAKEHEAD UNIVERSITY

Mr Benson: The purpose of this report was to take a look at how the land would be managed if it belonged to the Indian band. They wanted a holistic approach to management, which seemed to fit in with my ideas of forest management. The basic ideas that we are looking at in holistic management are that you have to recognize that the area has limited production potential and you must operate within that production potential if you wish to manage on a sustained basis.

I will be talking about the timber part and just about sustained resource management in general. I will be followed by Dr Harold Cumming, who will be talking about the fish and wildlife aspects. That is Harold on the end. He will be followed by Dr Hank Akervall, who will be talking about the recreation aspects. Hank is the one with the most hair of the group. He will be followed by Dr Carmean, who will be talking about the site productivity of the area and also some aspects of old-growth timber.

I will start in on the first part. There was a paper that went around. I thought I would tackle one of the first problems first, the sustained yield problem and what is meant by that. There are different ways that you can calculate it, different ways you can calculate the allowable cut. This is one run at it and it is actually a fairly optimistic run.

On this particular graph, the top line indicates what the total allowable cut would be for white pine, with the following assumptions being made: that the total white pine cut is coming from the various working groups of the area and that you have 100 per cent reproduction of the white pine regeneration in the white pine working group. It also assumes that you do not have any white pine regeneration in the other working groups, which is all in accordance with the existing management plan.

The allowable cuts are calculated for the first 10 years based on the existing management plan; thereafter according to the new forest management planning manual. The important point is that the volumes do drop after that point in time. That is not what I call sustained yield. It is not the classical definition of sustained yield and I do not believe it is a definition that most people think is sustained yield.

This line is an arbitrary line. That does not mean that is the exact point, but sustained yield would be more or less a straight line going across in my mind's eye, just a simple approach to sustained yield or sustainable development. Interestingly enough, my definition would correspond to the definition that is in the Crown Timber Act. That means you cut what you grow.

It does, however, conflict with the definition as used and interpreted by the ministry in its application of sustained yield in its management plans at the present time. That perhaps is where some of the problem arises; it is just in the interpretation of what is sustained yield.

Mr Fleet: Just on a point of order: Is it possible to find out what the page number is of the report that would be drawn from?

Mr Benson: Sure. It is page 81 and figure 24 in the report.

Mr Dietsch: It is on the back of today's submission.

Mr Benson: That is the basic problem. When you take a look at it, how do you interpret sustained yield? Do you interpret it for the long term? Do you try to stretch the harvest out at an equal level over a longer period of time or do you try to harvest, start at a high point and decrease

that harvest over time? That is basically the problem.

Myself, I think when you are trying to establish or trying to maintain an industry, if you really want to maintain it in the community for a long time, you have to base it upon the amount of wood that is actually going to be available over that period of time. I guess it is really a matter of what the period of time is with which you are concerned. In my experience with different communities, sometimes one year is a long period of time, whereas they do not even comprehend 20 or 100 years. I am talking about a sustained yield for a long period of time, 100 or more years.

I will go to the start of my paper now and talk more or less about holistic management and the concepts of integrated resource management. I have tried to simplify this as much as possible, not because I thought the committee needed that, but because—

Mr Wildman: The committee did.

Mr Benson: —you can get very involved in resource management and the different ideas. I have tried to put it down in as simple terms as possible.

The first figure here represents a forest in an ideal state. I have represented it by a hot water tank. It is something I can equate with in my own family. It is a resource that you have to share at certain times. If you do not, somebody gets a cold shower. It is really the same thing with the forest. It has to be shared in the same manner.

In the ideal state you have a forest with different age classes represented by the different layers at this point. You have an input. Trees are regenerating, in this case artificially, and you are getting a product coming out at the end. Two points are important there. First, if you take out too much out to the end, you lower the amount of hot water in the tank; second, if you do not put anything in, you lower the amount too, as long as you are taking something out of it.

When you take a look at other resources for the area, that top diagram is the same tank as before. I only added a second tank here, and that is a moose. The idea here is that the level of moose production depends upon the condition of the forest. That is supposed to represent a thermometer measuring the condition of the forest. So the level of moose production is going to depend upon the state of that existing forest. As the state of that existing forest changes, so will the level of moose production. When you look at integrated resource management, that is one way that the level of the other resources will vary. It is

dependent upon the nature of the present resource or the present forest.

1540

The other way it can be viewed is that it can be a drain upon the present forest. In this case, if I assume the canoeist is a wilderness area, it represents a drain on the actual area of the present forest. Again, it can be worked into integrated resource management, but it is the second way that the other resource affects the forest resource. When you put a number of resources together, you get a number of items that may drain it, a number of items that depend upon the state of the existing forest. Whether it is fish, moose or rabbits that depend upon the state of the existing forest, their level will be determined by that present forest.

The level in the case of timber can be measured, and if I were taking a look at lumber production of white pine, this type of curve would be used. The particular point where it is maximized in this case is right here at 150 years. That is the highest point for lumber production.

You might be interested in the other curves. They look higher, but they are for different products. One is for studs and the other one is for gross merchantable volume; the other one is for gross total volume. It is merely a matter of how the tree is cut up. You get less lumber yield from a log than what you would stud, less lumber yield than what you would pulp yield.

Mr McGuigan: I do not like to interrupt, but to help me in my following, in biology, does it really work, the bathtub model? In many cases, the more you take out of the bathtub, the more runs into it. I just wonder if you could comment on that.

Mr Benson: The more you take out of the bathtub, the more runs into it?

Mr McGuigan: The more pressure you put on lots of communities, the more reproduction you have. It works with humans too, I understand.

Mr Benson: I guess if you want to go back to this situation, the Temagami situation, you could represent the top tank as a hot water tank under pressure, because certainly there is a certain amount of pressure there. I think the problem really is what valves are going to be turned off and on, who is turning them off or on and who is affected by what valves are turned off and on. Certainly some valves have to be turned on or off, because that tank is getting to be under a fair bit of pressure. Some decision has to be made, but when the decision is made, the—

Mr McGuigan: My point is that, particularly in the animal communities, the more animals you harvest, the more animals are reproduced to fill up the vacuum. I am not too sure whether that is true for trees or not, but the more room you make for trees to grow, the more nutrients become available for them and so on and the faster they fill up the bathtub. I was just asking you to clear up my thinking on that.

Mr Benson: I think that is not quite along the same channel, but certainly if you clear-cut an area, you are going to get more trees coming back there than were there originally because they are smaller trees. As they grow up they will take less room, so you have more trees coming back. The problem with the pine is that you are getting trees of different species coming back, be it white birch, poplar, spruce or balsam fir, and not of the white pine. The end result is that you are not getting the white pine back there, you will be getting other species back there.

Mr McGuigan: Okay, thank you very much.

The Chair: Another supplementary. I am a little nervous about too many questions while the gentlemen are making their presentations.

Mr Wildman: To use your analogy, Mr Benson, basically what you are saying is that in the tank, if you take into account the habitat for other species, animal species or other floral species, I suppose, as well as lumber production, then that is going to mean that there is less lumber production.

Mr Benson: It is going to mean that you take them into account. If you take into account sustained yield as the way it is meant, there is going to be less lumber production.

Mr Wildman: Yes.

Mr Benson: If you take into account the other resources and what their level productions are, you will at least know how you are going to affect them or if you are going to affect them at all.

Mr Wildman: But if you are concerned about sustained yield of moose, for instance, as well as sustained yield of timber, then obviously that is going to affect the amount of timber you can cut.

Mr Benson: It can, and that is really the next step I am going to show you here, which is a theoretical moose production curve. It is the same way as the timber production curve is drawn and it is the same idea except it peaks at a different point. The peak is between around the ages of 20 and 30, meaning that if you wanted to manage that area to maximize moose production, that is the rotation age of forest you would grow. Now if you recall back to the one I showed for

white pine, I had a 150 mark for white pine lumber, so obviously you have a conflict right there. You cannot manage for both on the same area with different rotations.

Similarly, if I go to something a little more obscure where you take a look at aesthetics and I use an index to measure aesthetics, the value is somewhat different. The older the rotation, it peaks much later. It is the opposite of moose production. In other words, you would need a rotation of 200 years plus in order to increase your aesthetics index, if that is important; in order to maximize your aesthetics for the area. So I have really given you three different rotations that do not match up where you have the aesthetics index and the moose index and the timber index, which would occur at about age 150 in this area.

The point of all that is that you cannot maximize production of all resources, but at whatever rotation you choose, you can optimize the production of the resources for that particular level according to how many of them you can produce at that level.

Mr Fleet: Presumably according to the priority you give to each one.

Mr Benson: I beg your pardon?

Mr Fleet: You would weight them differently, conceivably.

Mr Benson: I am not saying that you can weight them differently, I am saying that if you choose a rotation and if these curves were correct—which they are not; these are theoretical in this case—the levels of production that are theoretically possible are going to be determined by the type of forest that would result by choosing that rotation. In other words, if you wanted to get a moose production at this higher level, you are not going to get it if you choose a rotation at this age.

Mr Fleet: But I was trying to follow the logic, as I understood it, of your comment about reaching an optimal—you did not use the word “compromise” but “optimal”—resolution of the different factors being considered. I take it that if you go to do that, as soon as you start to do that you start to assign different values to different products, if you like. You might value the moose more than aesthetic concerns or whatever. As soon as you start to talk in terms of optimal, are you not starting to talk about values that you assign to different things?

Mr Benson: You would be optimizing whatever you considered to be the important values for that area. From the Indians' point of view,

they were looking at it from a very holistic point of view where the whole area and everything in that area had a value that they wanted to be looked at or thought should be looked at.

Mr Fleet: Maybe I am just misunderstanding the presentation, but I thought the implication of what you were saying was that using the word “optimizing” means you are assigning values to a range of factors. Maybe you evaluate them all equally, maybe you evaluate some to be more than others, but you are assigning values.

Mr Benson: No, I was using “optimizing” in the sense that for each one of these, if you wanted to optimize aesthetics, you would need to use a rotation at the higher range for that particular resource. If you were going to optimize the moose production, you would have to use a rotation at the lower rotation age, 20 to 30. If you wanted to optimize lumber production of white pine, it would be 150 years. If you do not choose those rotations but you choose—if we chose 150 for lumber production, we are not going to optimize moose production, but there is a certain optimum level.

1550

Mr Fleet: But you cannot optimize them all simultaneously.

Mr Benson: No, you cannot.

The Chair: I think, Mr Fleet—

Mr Fleet: As long as I understand what he is saying; I just wanted to make sure I follow it. I am sorry to keep asking questions.

Mr Wildman: Frankly, I am confused.

Mr Benson: I think I confused you. I said for the first one that on one of these, your maximum aesthetic production would be here. On this one, the maximum moose production would be at the 20 to 30 mark. You cannot maximize them all, but when you choose a certain rotation, you can reach a certain optimum level for each one of those, which would be whatever rotation you choose. Is that okay? I think I used my words wrong when I was explaining it.

Mr Fleet: Yes, I understand.

Mr Wildman: On page 5, if you use your water tank analogy, you say the flow from the hot water tank must be limited to retain the present levels of production of all resources. So you are trying to deal with the present levels of production for all those resources, are you not?

Mr Benson: Right.

Mr Wildman: That is what I thought.

Mr Benson: That is theoretically what is possible, but what is theoretically possible does not always happen.

Mr Dietsch: Nowhere does that happen.

Mr Benson: But how close you can come to the theory, I guess, really depends upon what happens.

Before harvesting started in the Temagami area, you had a hot water tank, if you like, that was full of older-age classes of white pine which deteriorated naturally and regenerated naturally, either by fire, blow-down or whatever. Now there are studies going on to determine how it regenerated.

The problem was that when harvesting began in the 1920s or a little earlier than that, the flow from the tank exceeded the amount of trees going into it, so you have a case where the hot water tank becomes empty. As the hot water tank becomes empty, your other resources from that particular working group, the white pine working group, are going to be reduced. In other words, you would have less production of the resources that are dependent upon that particular working group. That is not to say that some of that area would be lost to the poplar working group, would be lost to the white birch working group, etc. Perhaps production would go up in those particular areas.

That brings me to the last graph again. The problems still exist in that there are really five areas that are still causing a problem there.

First, there is the use of a rotation that is too low to maximize lumber production. They are including the Temagami skyline reserve in the allowable cut calculations. I understand they may have excluded that, but in the last figures I got from them it was still in the allowable cut calculations.

The OMNR uses a nonsustainable allowable cut calculation, and that has been known for quite a while; it has been documented before. Baskerville documented it and it does not follow the Crown Timber Act, the legislation part. I cannot quite figure out why it is done that way. I am not too sure what the use of the legislation is if it does not mean anything.

Then there is the lack of successful regeneration of previous white pine cutovers, which has been documented; and the majority of white pine to be harvested will come from other working groups. That is one item that we documented and showed on this particular diagram.

There are a number of different ways you can put this all together, but what it all means when you look at it is that there is no way you can sustain your harvest at that level. If you want to manage that area on a sustained basis just for the timber part, you have to take a realistic look at

what resource you have there and how can you replace that resource. If you do not, it is certainly not sustained yield and you would be deceiving yourself and the communities that are dependent upon that resource.

I would like to turn it over to Dr Cumming, who will speak about the fish and wildlife part.

Dr Cumming: You may have noticed that the fish and wildlife part consists of a lot of questions. There were a couple of reasons for that. One was that in the time available it was impossible to collect anywhere near the kind of information that would be needed to produce a plan, and the second was that I wanted to emphasize that in order to produce a good plan there are a lot of questions that need to be answered.

I would just like to start by drawing your attention to the first couple of questions. It concerns the building of roads in the area. In the second question I asked: "How much additional fishing pressure will result from joining these roads? Can the fish resources supply"—this is page 97, I am sorry—"the increased demand resulting from direct road access from Sudbury?"

I should make clear to Mr Wildman to begin with that I have nothing against the anglers from Sudbury, I hope that they get lots of good fishing, but we have a problem here and it is one that occurs throughout Ontario, and that is that once a lake is accessed, the ministry, with its current level of management, has no way of controlling how many people can go in there to fish.

The result is that year after year we find that throughout northern Ontario lakes are fished out within one or two years of a new road going in, so a management tactic that the fisheries people have come up with is to keep roads away from these lakes. Speaking of plain theory, and if we are going by theory, you should be able to put a road in to every lake and still control how many people fish there, but under our present setup we cannot do that.

I talked to the district fisheries biologist and I read the district fisheries management plan, and one of the facts about Lake Temagami and Cross Lake is that the exploitation of lake trout is in the 90 per cent range of what is calculated as the allowable production from those lakes at the moment. The title of our report here refers to holistic, and I would like to explain the way in which the ministry as it now operates has difficulty handling this.

Here we have a situation where we are taking just about as many fish out of that lake as you would want to take out. These calculations are

not 100 per cent, so to be a little on the safe side, staying at 90 per cent is not a bad idea. But when somebody then comes along and starts calculating where he should put roads for taking out logs, there is often not the kind of integration in considering how that is going to affect fish.

I cannot say for sure that nobody has looked at this kind of question. In the forest management agreements there are means available for looking at this in the planning phase, but here I could not find where anybody had looked so far at what is going to happen if we put a direct road from Sudbury up to the north end of Lake Temagami.

At the present time they have to go away around by North Bay and up and down the lake by boat, and under that kind of condition we are looking after the fishing quite satisfactorily, but in order to really produce a plan that would include fish and wildlife we would need to do something like going in and involving a lot of people.

For one thing, it would involve Sudbury district, not just Temagami district, because we would want to find out how many people are fishing up in those lakes towards the end of that road right now. We might have to do surveys to find that out and we would then have to produce some kind of projection of what percentage of those would move over to Lake Temagami based on other experience in that area. My contention is that without that kind of information, we are not really coming to grips with some of the problems in planning for that area.

Mr Miller: Could I ask one question? How big is Lake Temagami?

1600

Dr Cumming: I do not know. I would have to look it up.

Mr Wildman: Pretty big.

Mr Pollock: Over 100 miles of shoreline.

Mr Fleet: As big as Lake Simcoe?

Mr Pollock: No, I would not say as big as Lake Simcoe.

Mr Fleet: It depends on what you define as big. It is an odd shape.

Mr Fleet: It has a long shoreline. It is kind of a big X as opposed to Simcoe, which is a huge body of water.

Mr Miller: I guess what I am trying to get at is we have got roads into Lake Simcoe, we have got roads into Lake Erie and they are still fishing in them. I am not sure if I follow you.

Dr Cumming: In Lake Simcoe I do not know if anyone is fishing for lake trout.

Mr Miller: Yes, they are.

Dr Cumming: There are some?

Mr Miller: I just saw a television program last Sunday which said it is the best fishing they have ever had in the lake right now.

Dr Cumming: Well, I have not been in touch with Lake Simcoe for some time, but perhaps I could go on to explain. A friend of mine who is a fishery biologist in northern Ontario went out in the wintertime a few years ago to a lake that had been newly accessed by road. He went around with a skidoo and counted up the fish that people had caught as they were out fishing through the ice. Then he went back and did a calculation of the production from that lake, and he told me that he had counted lying on the ice in one afternoon the entire year's production of fish from that lake in terms of what lake trout could produce, because lake trout are very slow-growing fish and slow-producing. They do not begin to spawn under normal conditions until they are about six years old.

Now, this could be taken care of by dumping lots more lake trout in, except that where that has been tried it has proven to be unsuccessful, including in Lake Temagami. The fisheries management plan, because of that, says the lake trout will be managed on the basis of natural reproduction. So that means that the amount of fish that can be taken out of there is limited. Now, perhaps their calculations are out somehow and perhaps we could sustain a lot more fishing than is there now, but my point is that we do not really know at the moment.

Mr McGuigan: It would be worth pointing out that three of us live on Lake Erie, which is a warm-water body of water as compared to the north. Even though fish are cold-blooded creatures, nevertheless the warm water does supply food at a lot faster rate than the colder lakes. Is that not part of what we are talking about?

Dr Cumming: Yes, Lake Erie has tremendous production compared with any of these northern lakes.

I would like to go on to look at the first question under "Mammals" on page 98, because it is a somewhat similar question. Again, we have to look at the state of management that we have in the province. I would like to make the point that the people who are out there are really doing a very good job, as well as they are able to, but we have traditionally operated on a low level of management over wide areas, and all of our resources are now requiring more intensive

management. When it comes to these, then we run into problems.

In the case of moose we are a little bit better off than with fish, because we have these wildlife management areas across the province. We have a mechanism whereby we can control how many hunters can go into one of these wildlife management areas, but we still cannot control within those areas. In the case of Lake Temagami, there is a large area included besides the actual environs of the lake. If we allowed in 500 hunters, we could not specify that they must hunt in this particular area. Judging from what happens farther north when you put a new road through, that is where all the hunters go because that is where the best moose hunting is.

The district land use plan guidelines said that they are currently overharvesting moose in that management area. They think that they can produce more if they first cut back on how many are taken, but that is calculated without reference to changes such as these new roads.

The third thing that I would like to mention is on page 99, item 7 under "Fur." Referring to marten in particular, it has traditionally been thought that marten are the animals of mature forests. But some research questioned that, and it has only been recently that a researcher here in Ontario completed studies up around Chaleur that pretty much went back to the original idea. He said that, if I understood him correctly—and this has not been published yet; he is in the process of publishing it—within two or three years after an area is cut the marten were reduced to around 10 per cent. Even after the forest has recovered to 50 per cent they do not regain their original numbers, not until it is back to what is often called an old-growth forest. Marten are probably about the second-most-important fur bearer after beaver for trappers in the north.

Again, this is the kind of instance where that kind of factor is not always considered when people are deciding what to do with these areas. So when I talk about a holistic approach I am talking about trying to work in all of these things. I suspect that part of the problem is that we had a very good idea some time ago when we started producing these land use guidelines. They were supposed to give us this overall view, but somehow that did not trickle down to the next stage. What we got under that was a timber management plan and a fisheries management plan, and I believe they intended other management plans, but in each case they were planned individually.

So what happens is that under the timber management plan fish and wildlife and tourism and so on are seen as restraints. They are not seen as being co-objectives for managing this area. It is only recently that the ministry is beginning to undertake what it calls integrated resource management plans in which it, I believe, is going to try to attempt to manage for a number of resources all at once. That, I think, is much closer to the kind of approach that we are advocating in this report.

That is all I would like to say unless we have questions later.

Dr Akervall: I am Dr Henry Akervall, better known as Hank. I came on the team a little later on, about halfway through the project. I was asked by Professor Benson to give a synopsis in terms of the tourism-recreational aspects. My background is in recreation. I have an initial forestry degree so that I can speak to some of the issues that have been put before you in the report.

I think we are all well aware that tourism within the province of Ontario, and right across Canada, is a multimillion-dollar business. Certainly the tourism in the Temagami area and the recreational potential of that area are phenomenal. As Professor Benson has indicated with his schematic, when we do something to one aspect of the forest it is going to affect another aspect of the forest.

That is also true when we speak of any type of recreational activity, tourism that is ongoing. Tourist operators with fly-in tourist camps as their bread and butter are hindered by road access. If there is road access to a lake it is very difficult for them to operate a fly-in camp because people do not perceive the wilderness with a road going to a particular area.

1610

If we are talking about tourists, we are talking about an attraction. What is the attraction to this particular area? We well know that it has great potential in terms of canoeing. We know it has great potential in terms of just the aesthetic value of those pine stands that are there. They are the finest single pine stands, I think, in all of Canada. That is an attraction. To me, that is an attraction like the sequoia forests in California. Put it in perspective. But if we cut it, it is no longer an attraction. You are not going to get people there.

So if we put it on this scheme, we are talking about, in essence, a holistic approach to planning. You cut that stand and you no longer have people who will go and see it. You cut that stand and you affect all of the other aspects of recreation and tourism that go with it. Even

within the areas of recreation you cannot have, for example, people who run around in snow-mobiles, spend \$5,000 for a machine, and have cross-country skiing at the same time. They simply are not compatible, but within a manageable plan you can do something with it.

For example, I have travelled extensively in the Scandinavian countries. Over there they have a system in the wintertime when they use these little huts, what they call stugas, and they are revered. They are the mechanism. They are 10, 15, 20 kilometres apart and people in the wintertime go from one of these to the next, they overnight in them. But what do we do over here in northern Ontario? These were trappers' cabins and we burned them down. That was our policy. We took them out of the area because the policy said to. And yet, in that area, they tried to resurrect some of the lodges in the Temagami area, of people going from one area to another area, either cross-country skiing or snowmobiling. So if you want that type of an attraction, you certainly have to plan for it and you have to plan for it on the basis of compatibility.

Canoeing and boating: There are great white-water canoeing areas, great flat-water canoeing areas, but if you put road access in there you get power boats, you get people with \$10,000, \$15,000, \$20,000 machines in there roaring up and down the lake. You are not going to get the aesthetics from canoeing in that type of circumstance. So you have this compatible incompatibility.

Within a management plan, if we are talking about a holistic approach to it, I think what we have to do in essence then is maybe segregate. A lot of people are afraid of saying segregation because it is not a nice word, but I think when you read through the report there is a lot of material that is definitive in terms of the logging aspect. If it is the will of the people that logging is the priority, maybe these other areas have to suffer for it, because they will. You are not going to have logging at a maximum level and have all of these other things. Someone is going to have to make a decision as to what is going to be the priority level. Whether that is going to be a political decision at this level, whether it is going to be the will of the people, let's say the grassroots level, I cannot make that decision at this point. What I am saying though, from a standpoint of the recreational potential, is it is a mess.

I have travelled through the United States, I have seen camps. They call them wilderness

camps. They have every facility available that you would have in your best spas and resorts in their wilderness. They are in the Colorados, they are in the Wyomings. There is no reason why we cannot have that here, but do you want that type of commercial market in a wilderness area of northern Ontario? It is done all over the world and it can be done here. But is that a priority? Do you want that?

So within the report I think we probably have more questions than we have answers to questions and I think in this instance it is a starting point. I see the problem in terms of if we look at what we started with, Professor Benson's analogies, what do we want most? If forestry and logging are the prime elements, then we have to concentrate on that and, if Professor Benson's figures are correct, that might only be for a 10- to 15-year period. These people who are working in the logging industry, 10 or 15 years down the pipe it is not going to be there. But then neither is the attraction, neither is the recreation potential, neither is the hunting or the fishing, perhaps not even the canoeing.

I think this report certainly raises more questions than it answers, but the potential is there to manage it. It is going to take a lot of heads together, it is going to take a lot of thinking and a lot of collective effort on everyone's part. I think I will leave it there.

Dr Carmean: I am Will Carmean. I am a professor of forest soils at Lakehead University. My background is forestry research. I spent quite a few years in the US at various forest experiment stations out in Oregon, Washington, Ohio, North Carolina, Illinois and then Michigan and Wisconsin. After that I came to Lakehead University, and I have been there for 10 years, teaching forest soils. I have had a very comprehensive program on site quality research; that is, the ability of land to sustain tree growth. Forest land is just like agricultural land. Certain lands that are very productive produce great yields; other lands that are not very productive have low yields.

My presentation will have three parts. I will describe, first, the soils that are in the Temagami area; second, the type of regeneration that we hope to have or may not have, and, finally, the values of old-growth timber.

As far as the soils go at Temagami, we do have some general information. The Ministry of Natural Resources out of the Sudbury office have had what it calls a Flaps program, forest lands productivity survey maps. They produce soils maps. They are general maps, but from them we

have a pretty good idea of the kinds of soils that do occur at Temagami, and those soils are mostly dry, stony, glacial tills. There are rock outcrops, there is a lot of gravel in there and in many areas quite shallow bedrock. Then there are depressions with organic soils. This is rather typical of many of the glacial soils of northern Ontario.

The point here is that these are not the most productive soils. There are some soils in there that probably are pretty productive, but on the whole they are not very highly productive soils. There are big pine trees, but the reason is they are old pine trees. After a long time they do get large and they are quite impressive and they do have a high commercial value. With this kind of soil you cannot expect to get tremendous volumes of tree growth on regeneration.

Getting into the regeneration, I think first of all we have to ask how did those pines get there to begin with. In general, it is pretty well agreed that they resulted from a long history of wildfire. But we have protected these areas from fire and so fire is no longer a factor in regeneration. We find this when we harvest those pine areas. Instead of getting back another crop of pines, we get back aspen, birch, balsam, fir. So we have this water tank that Crandall showed earlier. We started that tank full of old-growth pine, we are drawing it down, but at the top we are not bringing in any new water to replace what has been removed. So as Crandall showed in his graph, the yield of pine is going to drop off until it is not going to be enough to sustain those industries.

What remains are those old-growth stands, the skyline reserves. There is about a township and a half, maybe 1,500 hectares or so up there. This is the last stand of pine, and as Dr Akervall said, it is a unique stand. There are very few forests like that remaining in Ontario. In effect, these are museum pieces and once they are gone we are never going to get back 200-year-old white pine again. Because of this unique nature we had better address that, the aesthetics, the recreational aspects associated with a forest like that.

We could get pine back, possibly, by prescribed burning, but this has never been worked out for white and red pine. For jack pine we can perhaps accomplish it by prescribed burning, but it is an experimental thing, and do we experiment with this last stand of pine? We could scarify with machinery. Well, machinery does a lot of damage at these shallow, stony soils; we may be degrading these sites, so we had to be careful there. We could plant, but planting requires

tending. Herbicides are needed there, and planting is expensive too.

1620

Getting into the old-growth values, I think the rest of the speakers have covered the multiple values of this area. Foresters have long had this philosophy of multiple-use values, values that are not only the monetary value of the trees for timber but all these associated values of recreation, wildlife and aesthetics. All these things are associated with Temagami.

The problem is, how do you manage an area like that to maximize and retain those values? Many of them are contradictory. You cannot have a wilderness area and stumps. They are contradictory. They just do not fit.

With respect to the value of timber for Temagami, those big trees certainly do have a lot of value, but how long is it going to last—three, five, 10 years? Once they are gone, it is gone. If we are not filling that tank back with more water; it is going to be gone.

If we eliminate that old stand of pine, how about all these other associated values? They are certainly going to be affected too. As Crandall showed in his graph, the aesthetics require old trees. We are not going to produce big old trees like that, we are not even regenerating the pine, so the future value for aesthetics is going to be lost there.

As for the values for recreation, as Dr Akervall mentioned, there is a high potential for recreation use. Even now there is a tremendous use of that area for recreation. Lady Evelyn-Smoothwater Provincial Park is just to the north. It is a natural link between Lady Evelyn-Smoothwater and the Temagami to retain this. If we access the roads and cut those trees, there is going to be a real reduction in aesthetic value. People are going to come to see those big pines but they are not going to come to see stumps.

I can visualize visitor information centres and outfitters. We could have outfitters taking people in for fishing or for wilderness hikes. This is widely done in many wilderness areas in the United States.

I am familiar with Quetico Provincial Park. That is one thing that is really bringing Quetico around, because there is a lot of recreation use. Outfitters are bringing people in from Germany, from Europe; they come to see Quetico.

I think this white pine area at Temagami is of equal value. It could bring in a lot of wilderness recreation, and not only wilderness, we have various degrees of recreation. We have limited-

use parks, heavy-use parks. A lot of things could be done there.

How about the wildlife? Harold Cumming mentioned this too. Certain kinds of wildlife can be managed, as Crandall mentioned, on 10- or 15-year rotations, but how about other wildlife? Eagles require big trees. Heron rookeries and other types of wildlife do require this habitat provided by these old-growth forests.

There are other values too. One is the historical value. There is a lot of history associated with Temagami. A report has recently been published about the Indian pictographs there on Obabika Lake—I have probably mispronounced it. There are all kinds of Indian pictographs. There are Indian burial grounds there. These are historical things to the Indian band. The Hudson's Bay post is right there on Temagami Island. These are things that we have to protect and also things that will enhance that area for tourism.

Finally, research: We would like to know how these old stands are regenerated, how we can do it in the future. There is a lot of research that could be done in the wildlife aspects of this too.

In summary, Temagami is more than big trees just available for the mill, it is all these other multiple-use values that have to be measured. If we harvest those big trees, we are going to be closing out the options for these other resources, so we had better look and plan very carefully before we just take the monetary value of those trees and then eliminate or reduce these other values.

Mr Fleet: I am wondering if it is possible to put a question, conceivably a series of questions, depending upon what happens at this point, because there were certainly some things that were said here that if we go very far, the context is going to be lost. I do not know how much longer the presentation will go for and I am mindful other members will have lots of other questions.

The Chair: Is there any other part of your formal presentation?

Mr Benson: No, that is it for our formal presentation.

The Chair: I think there will be lots of time for some questions. I wanted to just ask one. I hear occasionally that people should not be so excited about the trees, they were cut before anyway. Were those stands in there cut before?

Mr Benson: I will handle that one. From what I understand, most of the area has been cut before but on a selection type of basis; that is, they have

gone in and selected certain trees and cut them. The amount of harvesting increased with time, but certainly some of those areas had trees removed before. I understand from talking to one Indian family who lived in the particular area of the lake that Dr Carmean has trouble pronouncing and I cannot pronounce at all, Obabika Lake, that the harvesting occurred there in the 1950s and even some before that time. That was one area where they first used trucks on the ice to haul wood from that particular area. But it was not a clear-cut in the sense that a number of the areas are cut at the present time.

Mr Pollock: Are we talking about clear-cutting when we are talking about harvesting this forest? I really do not know.

Mr Benson: The harvesting methods that occur there are quite variable. There are clear-cuts. It depends partly upon the working group. For example, with poplar and white birch, clear-cutting is probably the best way to cut those particular working groups. When it comes to white pine, what is the best way? That is a bit of question mark in Temagami, because they have not kept records, they have not cut it in a number of ways; it is not known for sure what is the best way to regenerate white pine in that district on the variety of sites.

Foresters would say that you can regenerate it by doing things like strip cutting or selection cutting. I am sure if you asked each of us which would we prefer there, we would give you a different answer for white pine, because we do not know yet. Willard and I have argued this out several times.

For black spruce, strip cutting might be good. Some of this is proposed in their management plan, but what I found when I looked at the management plan and what was actually being done in the field were two different stories.

Dr Carmean: As Crandall said, we sometimes differ, but I think in most cases we are in pretty close agreement.

I think you can look at the areas that have already been cut that at one time had very fine pine stands. When you drive in that Red Squirrel Road, what do you see? There is not much pine there, just a few scattered trees that have come in, a few poor-grade trees that were left after cutting. What you have is poplar and birch and balsam fir, you are not regenerating the pine, so they have reduced the area that was at one time these prime stands of pine and now it is just this small area up in Shelburne township and a few adjacent townships, and the skyline reserves. That is all that is left.

Mr Pollock: I take it they were clear-cut at the time then?

Dr Carmean: No, they were never clear-cut. This type of cutting in the past was very old cutting, horse logging in the winter, so they would just go in and select an occasional tree that was accessible to the lakes. They never did this clear-cutting. Those big old trees are much older than the time of settlement. They are 150-, 200-year-old trees there. These were there at the time the settlers first arrived.

Mr Pollock: I have a woodlot myself. I have gone in and cut some trees. I tried not to mess up the woodlot that much, and eventually they grow up and 20 to 25 years down the road I am sure there will be another few selected trees they could cut.

Dr Carmean: You always get regeneration back of some type. In this case, they are not getting the pine back. They are getting poplar and birch. There are a few red pine plantations along the Red Squirrel Road, but these are just a small, infinitesimal part of the area. They have been carefully tended. They are very good and this could be done in other parts of the area, but this is expensive. You have to plant and you have to tend, just like your garden.

1630

Mr Pollock: But very seldom does a bush grow back to the original tree that was on there. Very seldom does that happen.

Dr Carmean: Yes. This will come back to poplar, birch, balsam and fir. Really, the aesthetic trees are those big white and red pine, and they are not returning to this.

Mr Benson: I think, though, to add to that, it depends upon the working group you are dealing with. Do you want it to come back to a particular working group? Are you trying to manage it or not manage it? It is certainly not too much of a difficulty to obtain poplar regeneration on certain sites. It is difficult to get the white pine back.

Mr Pollock: But poplar really is not a prize lumber, is it?

Mr Benson: It may be in the future, but it is not right now.

Mr Pollock: We are talking about trees that have quite a lifespan, but eventually some of these trees will die, is that not right?

Dr Carmean: Yes. The FRI, that is the forest resource inventory, has an inventory for that showing these patches of old trees. There are patches where some are I guess as much as 200 years old and then there are others grading on

down, so it is a mosaic of old, mature timber. Eventually, they will die, they do not live for ever, but white and red pine are trees that have a very long lifespan.

There is an area not very far from Quetico, on the east side, with 300-year-old white pine, just magnificent trees. It is just a small area, and there is red pine in there too. You frequently hear the story that we had better cut them now or they are going to fall down tomorrow. This is not true. These trees are going to be there for a long time, and they are going to outlive most of the critics who say we had better harvest them now. There is always going to be the occasional tree that will die, but those big old trees will hang in there for a long time.

The Chair: Just remember, Mr Pollock, that our forests are more poplar than you think.

Mr Pollock: Yes.

Mr McGuigan: You are going against the grain there, Mr Chairman.

Mr Wildman: In reading your report, I was a little—as you said, it creates a lot of questions, and it did not provide a lot of answers, but some of the questions related to the inability to regenerate white and red pine. One statistic you mentioned in your report was a success rate of, I think, three per cent regeneration of white pine and only 13 per cent for red pine. Could you tell me where you got those statistics, and if those statistics are indeed the dismal record of regeneration of these two species, is that why the Ministry of Natural Resources concentrates on jack pine where it does its plantation?

Mr Benson: I am not too sure why they concentrate on jack pine. I do not think there is any reason to plant jack pine; you should be able to obtain jack pine naturally without planting it.

The figures came from a regeneration survey that was just completed last year and the information was presented at the environmental assessment hearings in Thunder Bay. It was the result of a survey for the northeastern region of the MNR and it included, I believe, plantations that are 15 years and older and seeded areas that are 20 years and older. It did not include plantations that were younger and there was not any information for plantations that were younger for Temagami. That is not to say they do not have some there. In fact, we have seen some there, but there are not too many there.

Mr Wildman: On page 21 of your report, where you are talking about regeneration, you point out that the type of forest that is growing in the cutover areas is not what the ministry was

attempting to regrow. In fact, they have come up predominantly in hardwood, so the pines are not there.

You use a quote from the MNR where you say, "While the precise type of stand that was aimed for was not achieved, this does not represent an overall failure to regenerate an area." In other words, I interpret that to mean that the ministry is saying, "While we didn't grow the type of forest that we cut down, it's unfair to say we didn't regenerate it because some kinds of trees grew." Is that fair?

Mr Benson: In addition, I think I would add that they might have planted it with a different species, but it did not regenerate back to that species that was planted in a sufficient amount.

Mr Wildman: Because there was not proper tending or whatever?

Mr Benson: There was not proper tending and survival rates were poor. I would say for the most case, considering the age of these plantations, it was probably lack of follow-through. There was not proper tending.

Mr Wildman: Do you think that is because—I will not go into that; I will leave that for the MNR. I will ask them.

You also state on page 40 of the report, "At the management unit level, even an astute and knowledgeable forester is stymied in practising sustained forest management by the policies of the OMNR or the lack of them." Could you explain what you mean by that, that a forester working for the ministry cannot practise sustained forest management because of the policies of the ministry?

Mr Benson: This could go on for quite a while.

Mr Fleet: I think he is looking for a yes or no answer.

Mr Wildman: No, I am not. I want to know what you mean by this.

Mr Benson: I liked his response there.

I would say yes and maybe give an example, the example I gave before for the calculation of the allowable cut. At one time, calculating the allowable cut the way they do, there was no alternative, you had to calculate it that way, so it was impossible, really, to calculate an allowable cut on a true sustained yield basis. Now they are allowed some flexibility if they can do it that way.

I gave a reference there to Jamie Swift. When he was referring to that, Swift was referring to the MacAlpine case up at Nipigon a few years ago. If you recall, he was fired for releasing so-called

confidential information to a member of the provincial parliament.

Mr Pollock: Jack Stokes.

Mr Benson: Jack Stokes, who happened to be a New Democrat, I guess.

Mr Miller: Things have changed up there.

The Chair: The only thing that has changed is that Stokes has retired.

Mr Wildman: I just want to point out to the member that the former Minister of Natural Resources, Vince Kerrio, made a speech approximately a year after MacAlpine was fired to the forest resources group, I believe, in Sault Ste Marie, saying that despite the change of government, it was business as usual in the ministry.

Mr Benson: I am sure things have changed in the ministry. They promised they would change for years. They promised it before. They promised it 20 years ago, they promised it 40 years ago and they promised it 60 years ago for Temagami, so I am sure they will change some time. I am sure Don MacAlpine, who is still in Nipigon, probably feels they will change some time too. There are probably small changes that have occurred.

Mr Wildman: What are the things that stymie a good forester?

Mr Benson: I would say the most critical one is that sustained yield one. From my point of view, that is really an important one, because that really is the regulator. If you are regulating the forest, then your other production levels depend upon that. If you have a faulty method of regulating the forest, your other production methods are going to be faulty also to a certain extent. That is one difficulty there and I think that is probably the most critical.

Mr Wildman: Are you saying that the major determining factor in calculating allowable cuts is the demand of the industry rather than what is ecologically appropriate?

Mr Benson: No, I would not say that either.

Mr Fleet: That would be a leading question.

Mr Wildman: It is a leading question.

Mr Benson: Yes, but it is not true. I could not say yes to that one because that is not true in certain cases. Most company units certainly have surplus wood. If you take a look at the forest management agreement reviews, they are not cutting the wood that is allocated to them.

When you get to the Temagami situation, I have no idea what goes on, how the wood is allocated. I was asked this question last week by my students, "How do you allocate a unit in a

crown unit?" I am not too sure any more. I had a crown unit before and I am not too sure how that wood was allocated. Certainly I did not have control over how all of it was allocated. Part of it was allocated because of what has happened historically, sometimes it was tendered out, but I do not know all the different ways that go into allocating timber on some units.

1640

Mr Wildman: I just have two other questions. In response to questions in the Legislature, both the minister and the Premier (Mr Peterson) have indicated that the ministry and the industry will be sensitive in their approach to forestry in Temagami and will treat carefully sensitive areas. From your reading of the ministry plans in the area, does it appear that the ministry is intending to have a select cut, clear-cutting or strip-cutting, or is it a combination of all three? If it is a combination of all three, will that protect the old-growth stand?

Mr Benson: I think there are two questions there.

Mr Wildman: I am sorry. We have been told they are going to be sensitive and that has not been defined. I do not know what "sensitive" means.

Mr Benson: What a sensitive site is?

Mr Wildman: The Premier has said the approach will be sensitive to the sensitive areas. I am not sure what that means. I am trying to find out what you understand about the plans for harvesting in the Temagami area. Do you understand them to be sensitive in what you would understand that word to mean, and if so, how are they sensitive?

Mr Benson: Maybe I can answer it in two ways. First, sensitive areas, do they get special treatment? "Sensitive areas" sometimes to the ministry means certain areas of special interest; if there was an eagle's nest, say, in a certain area, that would be a sensitive area. But I think it is more than that. Many of these areas are sensitive just because they are fragile in their very nature, as Dr Carmean was saying about the nature of the soils in that area. I think you really have to create a whole management unit as a sensitive area, because you want to manage the whole thing.

Now, what type of harvesting do they plan to use there? They do plan in their management plan, the one that is in operation at the present time, a number of different harvesting operations according to the type of working group or main species in a particular area. Those are outlined, for the Latchford and Temagami units, starting at

page 119. That is appendix IV. There are a number of different options that you can see in that particular section for the silviculture that is being done. They are doing some of that, but in other cases they are not doing that for a particular year.

For example, in the Temagami management plan I was surprised to find that in the past they used the seed tree method, which has not proven itself to work for regenerating white pine. In the new plan, this 1980 plan that was written in 1984, there is no mention of the seed tree plan, but then when you take a look at the annual plan they have gone back to using the seed tree method.

Mr Wildman: Yet it does not work.

Mr Benson: Right. I do not know for sure whether it works or not. It is certainly not evident if it does work and there is certainly not recordkeeping to indicate that it works. I certainly did not see indications that it worked in the field. Historically, if you take a look at other silvicultural reports, the seed tree method is the least-recommended method, but it will vary according to the author.

Dr Carmean: I think the problem is that we are confronted with a forest stand that has originated following a series of wildfires. They are even-aged forests. So they come in very well after these ancient fires, but men, with all their manipulations, are not able to regenerate pine like wildfire. One of the problems with these pines is they do not regenerate very well in their own shade. So that was a selection cutting—that was that picking around backed by horse logging—yet the pine has not regenerated following that. As Crandall mentioned, the seed tree cut has not been very successful either. About the only way we know that really will bring those pines back is to clear-cut and plant them.

There are plantations not only on the Red Squirrel Road, but many other red pine plantations show that this can be done. But it is like your garden. When you plant your crop you have to tend it. We had to tend these plantations. This is one of the problems. We have planted a lot of trees, but we may not have tended them and so they are lost by the weeds or by the regrowth of hardwoods that choke them out.

Mr Wildman: And that is what has happened in Temagami?

Dr Carmean: Yes. Crandall could probably address that more, but I think they do have some pretty large figures on areas they planted, do they not? But they do not really have much to show for

areas that are successful. You could probably address that.

Mr Benson: No, they do not have large areas that were planted. I think Willard and I would disagree on some of the silviculture. I used to manage part of a unit that actually overlapped into Temagami at one time. Among silvicultural methods, I used a selection system for white pine in Papineau township, I believe, and it seemed to work not too badly at that time.

We used the system where the trees were marked and cut out specifically. It was not a high-grade type of operation where the operator went in, picked out the best trees and left what he wanted. That seemed to work on a small area and on that particular site, but it does not work all the time.

In defence of Temagami, and if you were a forester in Temagami you were part of the district of North Bay, I should say that 20 years ago, when they were planting trees there, if you were ordering trees you had trouble getting them there to plant. For example, we had trees that came to us from a nursery in North Bay that had been shipped by CN in an unrefrigerated car. They sat for a day on a siding in North Bay before we could find them; half the shipment belonged to Temagami and it would be another couple of days before it got up to Temagami.

You had a lot of conditions that were terrible to work with at that time. It made it very difficult for a unit forester. Some of those things have improved now, but I just want to make the point that the unit foresters, whom I have a certain empathy with, are not entirely at fault. I think a number of them have tried to do their best in a certain situation, but there are many things that work against them. The system itself is not set up to manage the forest on a sustained-yield basis, so if you really want to practise forest management you are not practising within the particular system.

Mr Wildman: My last question is related to research. I will start out by saying that you have raised a lot of questions; you have indicated that yourselves. But as a layman, my understanding of your report is that we do not know a lot about old-growth forests, that this is perhaps the most important old-growth stand left of white pine and that if we cut this down we will lose the opportunity to learn something about old-growth forests and how we might regenerate them on a sustained-yield basis, if that is possible. Is that a fair assessment of the conclusions you came to in looking at this old-growth forest in Temagami?

Mr Benson: I think so. I think I would add to that, though, that the first step is to assess whether this forest really is important or not. Is it that important an old-growth forest or not? To do that, we need to get some more information about that site, such as, what is it actually producing, what are its unique characteristics, what is the actual age of that forest? Some of those things we do not know. There has been a lot of arguing about it but the basic data have not been put together. The ministry has a study it is putting together now, this particular year, and that is supposed to be available later this year or early next year.

Mr Wildman: But what if they cut it down before that study is received and assessed?

Mr Benson: Then it becomes somewhat difficult to do anything about it.

Mr Miller: I was interested in the last comment my colleague made over there about old-growth forests. If you cut one tree down, you know how old it is, do you not? It is no problem to find out. I am a farmer, that is all I have ever done, and I am interested in the comments on managing and working with the soil of different areas.

I guess the question I asked was about the age of trees. I know you can tell. You can just go across the street here at the park, and there are old oak trees out there that are older than those white pines up there. I know it, because they are slow-growing trees. I figure it is not a big deal to find out how old they are.

I am not a hunter, but we went up the river 25 miles, went back into a hunting camp, and there was second growth of white pine, forest there that had been cut off and regenerated and it is ready to harvest again. I believe they are harvesting it now.

1650

I am one who is conservation-minded. I like to see the forest, but it bothered me when you indicated that we do not want a road in there, so we cannot get to it, because I do not think everybody should be denied the right to have access to those areas of Ontario that are historical and great to see. You used the example of going down to see the redwood and they have a road running there, the Avenue of the Redwoods. We made three trips down there just to see it because I think it is one of the most magnificent scenes for me or anybody else to see. Those trees have been growing for how many years, 1000, 1500 years?

Mr Wildman: The point is they did not cut them down.

Mr Miller: No, but they do have a sawmill there, at Scotia, and they have enough redwood coming in to stock that. As a matter of fact, they were trying to find markets for the wood. They were concerned about our Canadian wood coming in and taking their markets and taking their jobs away. But I guess the point I want to make is we have that and if we do not have a road to get in there, there are going to be a lot of people who do not have access to it. It would be an attraction that people would come, you say, from Scandinavia and all over the world to see, but they would like to maybe rent a car, the same as I would, and drive up to it. Those roads are not hurting those redwoods down in California. You go to Vancouver Island and the Cathedral Grove there, which is another stage of growth—they are the Douglas fir—a beautiful, beautiful park. They are only maybe 500 years old; it was burnt over 500 years ago.

I guess the point I am making is we have to preserve some of this for our history and for an attraction, but I think we have to get access to it too, and it has to be a commonsense approach—a sensitive approach, as our Premier has indicated—in dealing with it.

The third question is about the lakes and the fishing. I mentioned Lake Simcoe. It was great for ice fishing. It was great for sports fishing, and I just said the other day we used to ice fish there for white fish, and they seem to have disappeared somewhat. But I just noticed on a television program the other night, the other Sunday afternoon, where the fishing is coming back and they said it is the best it has ever been. So I think that blows your theory that we cannot use this resource and let everybody have some access with some controls on it.

Mr Benson: Maybe I can answer the first question, the question about the age. It is not the difficulty of ageing a stand. You can age that stand with an increment core or you just drill into the tree and you take out a sample of the tree and you can age the tree. You do not have to cut the tree down to get the age. That is not what we meant. I think what he meant by the question was once you cut it the old growth is gone and the situation is over as far as managing.

Mr Miller: I do not agree with that principle either because, again, pine forests are adapted to certain types of soil. I will give you an example in southern Ontario. Norfolk county has a very sandy soil. We grow our tobacco there, but we live on the edge of it. In the clay soil we cannot grow white pine trees to any extent, but the white pines grow on that sandy soil beautifully. They

cut that forest off in the late 1800s, reforested it in 1910 and we have a great forest cover there at the present time. They restocked it not with white pine, which I think would have been a lot more beneficial, but have used a type of jack pine and other pines that are not—

Mr Wildman: That is right, because white pines do not grow; jack pines do.

Mr Miller: Oh yes, they will. They have already.

Mr Dietsch: You have to go to southern Ontario to find white pines.

Mr Miller: I am telling you that they do grow. They are now planting them and the region of Haldimand-Norfolk has 4,000 or 5,000 acres of forest and they have white pine now. They plant them closely together. They have taken them out in between. They have nice white pines just like that now, and I suppose they are 50 or 60 years old, but they do manage them. They trim them. They manage them and I think that can happen in Temagami and that part of Ontario. It will take longer to grow because of the heat units. There is no doubt about that. But I guess what I am saying is if they are growing there now, it takes a special soil to do it and there is no reason why they cannot be regenerated.

Mr Benson: That is right, that is a good point to take, but there is a problem of getting them regenerated now, for whatever reason. Second, if you want to manage to have old-growth forest, you have to start planning quite a long time ahead. Because we have not done that, we have to work with what we have now. So how long can you stretch out what we have now until we can replace it? That is really the tricky part of managing that forest right now, the two aspects, replacing it and then stretching out what we have now so it can be utilized in a rational fashion.

The Chair: Dr Akervall, did you wish to make a point too?

Dr Akervall: Yes, I just wanted to comment. I do not believe the intent was that you cannot put a road through there, because if it is going to be an attraction, you pretty well have to have public access to that particular stand of red and white pine. But there are many ways of doing that. As I mentioned in the report, you do not have to have a four-lane highway going in there. If the intent is to put the road in for cutting purposes, if it is put in there for fire protection, if it is put in there as an attraction, for access for tourism, I think these questions can be answered to some degree. I do not think the intent is just to leave it there, so the only way you can get to it is to put a pack on your

back and walk into it, because there would be about one half of one per cent of the population who will ever do that.

Mr Miller: Again, have you been to the Avenue of the Redwoods? They wound that road down through there, they did not even cut a tree. They will trim it, they will cut a little—

Mr Dietsch: They go through the tree.

Mr Miller: They go through the tree; they do not cut a tree. It is all paved and there is one particular forest that is set aside, owned by somebody—who are the wealthy people in New York?

Mrs Marland: Rockefeller.

Mr Miller: Rockefeller, Ford, and you wander through that, it's just like a whole new world you cannot believe. As I say, we have also, in Haldimand-Norfolk, established a Carolinian forest at the back of the conservation authority at Long Point. It is 900 acres that were set aside especially, to leave exactly in its natural state. But I still believe we have to be considerate of jobs in those areas. If you do not have some work for them to do, exactly like managing the forest, those jobs, it is going to take people to do it. There is a balance we have to require.

The last point I would like to make is that my neighbour, a hunter, just came back the other day. I have never been to Temagami, I do not know where it is, I did not even know what side of the lake. I know it is more than two million acres of area by the research that we have. He was telling me—as I said, he is an old hunter and he is a conservationist—he did not get a moose, but they enjoyed going up and seeing the tracks, so they were happy.

Mr Dietsch: Conserve the moose population.

Mr Miller: But the thing was those people went north. They took some money up there with them and they enjoyed getting outdoors, which I do too. I said, "What's it like?" He said: "It was a mess. It needs working." I am not sure exactly, but that was the impression that he brought back to me, that it needs some work on it. I suppose some of the wood was dying down and needs cleaning up in order to regenerate it. Some work has to be done on it.

The Chair: Dr Carmean is going to make a point.

Dr Carmean: This recreation point you brought up I think is a very valid point. We discussed earlier that many of these uses are contradictory. You cannot have timber and wilderness. The same applies to recreation. There are many kinds of recreation. There is

everything varying from the wilderness experience to mass recreation where, if you are not careful, you have a very fine recreational area, but by mass use people flock in there and destroy the very thing that is unique that they have come to see.

Fortunately, Temagami is rather large, so there is no reason why we cannot be zoning there. Certainly we should have some roads to access some of the old growth, a visitor information centre, some interpretative trails, but also there is room for a wilderness experience. We do not have to have it all one way or the other. We could have a wilderness experience for canoeists and keep motorboats out. We do not want all-terrain vehicles running over that. That would destroy that wilderness experience. I think all these are valid uses for the areas, but you have to have the wisdom of Solomon to balance these various uses.

1700

I think this Temagami pond is so unique it should be seen by all the people of Ontario. This is why we should have some access, an information centre to explain to these people how these trees got there and the unique nature of them, trails where they can follow and observe these and information points where there are certain specific things they can see. All this can be achieved there.

Also, there is room for this wilderness experience. People will want to backpack and hike in there, canoe up to the Lady Evelyn area; all these things could be achieved there if we do it right and plan ahead without emphasizing just one thing. Emphasizing the value of the logs in the mill is going to eliminate many of these other alternatives, so we have to plan this.

You have mentioned planting. I have some graduate students who have been working on red pine and white spruce plantations. We have gone back to a lot of these old plantations. You get very fine growths with the ones that have survived from the hardwood competition. You mentioned the planted white pine that you had observed.

Mr Miller: No, they were not planted, they were self-seeding. In the Rainy River district they were self-seeded. The ones I was talking about in southern Ontario were planted, yes.

Dr Carmean: You can get some natural regeneration, particularly in these very sandy soils where there is not much hardwood. Sometimes you can get pretty good regeneration after a cut, but Temagami does not have that kind of soil, it is a shallow, stony, marine soil. There

is lots of understorey of alder, hazel, and then aspen and birch are there, so I think getting natural regeneration of white pine would be very difficult. Red pine is particularly difficult. Red pine has a good seed crop only every five or seven years. The natural regeneration of red pine is a very difficult thing.

Mr Benson: I have a few slides I could show of the Temagami area, if you are interested, that runs through some of the very things we have been talking about. I do not know if they would help or not.

The Chair: Could we perhaps go through the questions first and then if there is time we will take a look at the slides? I think members would like that, actually, I suspect.

Mr McGuigan: I am going to keep my question short, because I would appreciate seeing the slides.

I think one of the problems here is that you should have given us a basic primer concept of how these things grow, because, unfortunately, most of us here are from southern Ontario and some of us have a farming background. I guess we have to start thinking differently in this case.

My question is, what is the value of a single tree, say a 300-year-old tree? What is the lumber mill value of that tree, so that we know what we are talking about? That is why I am asking the question.

Mr Benson: That is a good question. It depends upon the shape of that tree to start with.

Mr McGuigan: A nice tree, one that I would pick out. I am a horticulturist. I love trees. Would it be worth \$500, \$1,000, \$2,000, \$3,000?

Mr Benson: The amount the government would get from that tree would be in the range of anywhere from \$5 to \$30 at the most, I would say.

Mr McGuigan: What is the market value? What is it worth at the edge of the road?

Mr Benson: That is not a market value. The market value is what the province charges in stumpage for that tree.

Mr McGuigan: If I go and buy a tree at the mill, what am I going to pay for it?

Mr Benson: As much as the company wants to get away with charging you for it. It is a different thing. How much do you get if you sell off your private land? I do not know. I grew up in a rural community too and I know the prices vary, but some farmers get taken because they do not know the value of their wood. Some pay as little as they can get away with.

The Chair: I think that what everybody is getting at is that these big trees will be used for lumber, not pulp, to start with—

Mr Benson: They are used for both.

The Chair: —so there has got to be so many board-feet in one of these big trees.

Mr Benson: They are not measured in board-feet, they are measured in cubic feet. White pine was measured in cubic feet and now in cubic metres. What I was trying to figure out was the amount of cubic feet in a white pine tree, which was giving me some trouble. I was going back to the English units and trying to convert them to the stumpage rates, so I gave you a range from basically one cord per tree to roughly six cords, which was too high, at a stumpage rate of around five. But the stumpage that the company pays for that tree would be between \$5 to \$30.

Mr McGuigan: But I want to know what it is worth to the economy.

Mr Wildman: He is talking about the value when it is has been turned into studs or planks.

Mr McGuigan: No. When it is at the edge of the logging road and it is going to the mill, what the heck is it worth? If you take a cow to the edge of the farm, we hope you know what it is worth when the drover comes along and picks it up. A good cow is worth \$1,000. What is a good log worth?

Mr Benson: When it is cut and sitting on the side of the road?

Mr McGuigan: Yes.

Mr Benson: To the people of Ontario, it is still worth that stumpage value because that is all the government has been paid for that. To the guy who has cut it, it is worth the amount that he has paid in stumpage for that wood and it is worth the cost that he has invested for harvesting it.

You are shaking your head. Maybe I do not understand the question.

Mr McGuigan: If I came along as a buyer and you are the seller of the log, standing at the side of the road with a log ready to load on my truck, how much money would you ask me for it?

Mr Wildman: It has been cut and is lying on the—

Mr Benson: What I would charge you is the amount that it has cost me to get that out there, the amount I paid to the crown—

Mr McGuigan: No, that is not what I am talking about. What is the market value?

Mr Benson: —and my profit margin, the amount of profit I expect to make on that.

Mr McGuigan: Can you give him a ballpark figure?

Mr Benson: We do not sell wood that way. It is a mythical type of thing that you are talking about.

Mr McGuigan: Okay. We have loaded in on the truck and we are taking it to the mill. What is the mill going to pay me for my log? I drop it off.

Mr Benson: It is sold that way, and in that case the white pine sawlogs—I do not know what the exact figure would be. For pulpwood it would be—I do not know, because those figures are hard to come by in the operation part.

Mr McGuigan: I accept that you do not know.

Mr Benson: I do not know whether they are getting any of the industry people down here. Perhaps they could give you that figure.

The Chair: That would be a good question to ask them.

Mr Benson: But that is not the value to the province, as far as I can tell.

Could I ask you a question about the farm? You said you were a farmer and you had trouble understanding it. Really, with trees it is the same as farming except that your crop does not mature in one year, it matures in 100 years or 150 years.

Mr McGuigan: If I load up a truck with corn and I take it to my farm gate, I have a pretty good idea what that is worth when I take it to the mill. That is the question I am trying to get from you. If you do not know it, that is fine; I accept that.

Mr Wildman: I think you are asking the wrong people. We have the industry people coming next week.

Mr Benson: I do not quite agree with the analogy, because you are asking a mixed question. The value to the crown is the value they get when they sell that tree to the operator—

Mr McGuigan: I am determining what I am representing, not you.

Mr Benson: It is the same as if you were a farmer. If you are not growing the wheat but you are paying stumpage, the government is growing the wheat and then you are buying that wheat and putting it at the side of the road—

Mr McGuigan: I am sorry, Mr Chairman, we might as well go on.

The Chair: When the industry people come, we can ask that.

Dr Carmean: I would like to add to that. What we are discussing here is the monetary value of those trees and I think we could arrive at that by looking at market figures. A big, sound white

pine log has a lot of value, but it is a one-time-only value. Once that tree is cut, it is gone.

I think we have to consider these other values too. What is the value of one of these redwoods there? Certainly there is a big monetary value to that redwood in the mill, but also, once it is gone, there are not going to be many people going along that redwood highway to see those redwoods that are gone.

It is like the statue of David in the museum in Florence. There is a certain value if you ground it up for cement, but also there is the value of the aesthetics and culture attached to it. I think we are talking about a museum piece when we talk about these white pine. There is an intangible value to that old-growth type of forest.

Mr McGuigan: But the people who want to cut it down are cutting it down for market value and I was trying to make some judgements between that market value and the aesthetic value. I have got to start at some base point.

The Chair: Would it not be difficult to answer the other side of the question too, Mr McGuigan? What is that tree worth in tourist value when it is part of something so much greater; namely, the whole area and the other trees there as well? It is a very difficult—

Mr McGuigan: I was going to go on with that if I could get my base.

The Chair: Maybe you will find your base next week when the industry comes.

1710

Mr Dietsch: The base will not be white pine today.

First of all, I guess this is not a new challenge that we, as a government or as citizens of Ontario, are facing. I think it has been something that has been going on for a period of time. I guess it concerns me from the viewpoint that for a good number of years it appeared that things were slipping. I was intrigued, Mr Benson. I thought I heard you say that you worked in a management area for MNR, or have I misunderstood that?

Mr Benson: That is correct.

Mr Dietsch: So of course from your history you would understand some of the things that have been going on for a long period of time.

I am trying to gain an understanding of your report, and I look at some of the areas with respect to the undergrowth or, if you will, once the trees are cut down and the new growth that comes up and the point that you made about everything else growing in that area and my

understanding with respect to MNR's policies and having them target towards white and red pines and jack pines, etc. I have a difficult time in understanding how you gained an accurate report of that in your research. I am wondering why your report would not outline the replanting of those kinds of trees towards the harvesting of those kinds of trees, instead of using broad trees right across.

Mr Benson: The regeneration and planting figures that I used?

Mr Dietsch: Yes.

Mr Benson: The detailed figures are not available; for example, for what is the success rate for the last five years in Temagami, we do not know that. That has not been recorded and it is not available.

Mr Dietsch: Your report is based on 1960 to 1980. What has been the improvement since that period of time, or, in your opinion, has there been an improvement?

Mr Benson: In the Temagami area, yes, there has been an improvement over the last five years or so, I would say, with regard to regenerating the area. They have tried more intensive management on the area for scarifying and planting. It has not always been the best for the site, but they have tried more and I think they are having more success now than what they have had in the past.

Mr Dietsch: That was my opinion too, and I guess I look at it in terms of wanting a certain kind of growth, and then if it is not doing natural regeneration, we have to make sure that we regenerate into those areas so that we get out of it what we want. In other words, if you plant grass and quackgrass grows in it, I mean you do something to get rid of the quackgrass so that your better grass grows. With trees it is not very much different, only on a larger scale. Quite frankly, I thought that, from a government point of view, we were improving the situation some. I am pleased to see you agree with that.

The other point where I guess I am a bit confused in terms of what happens is more directed to the wildlife expert. You talk on page 91 about moose having a peak of 120 years, yet in the graph on page 92 it says 20 years. I would like to have an explanation of that. Is one wrong or is the other one wrong, or do I misunderstand it? On your page 91—

Mr Benson: Oh, you are right.

Mr Dietsch: —in the text you refer to a 120-year peak and on page 92 in your graph you refer to a 20-year peak. I am talking about moose.

Mr Benson: That should be 20, not 120.

Mr Dietsch: Okay, so it is a typo. It is nice to know that it is not just the government that gets typos.

My understanding is that the Ministry of Natural Resources is controlling through its tags. I personally do not hunt moose, but I understand that they are controlled through tagging and the herd control is done—you do not harvest out more than what is there because it is based on the amount of, I guess, legal tags that are put into the marketplace for hunters. Is that not the way it is controlled? I am trying to understand where you are coming from when you say that you feel the moose population will disappear.

Dr Cumming: I do not think I said that, to begin with.

Mr Dietsch: I am glad I asked the question then.

Dr Cumming: Yes. The location of those roads around there is going to have impact on moose hunting and I am a little concerned that may not have been adequately addressed in their consideration of what roads they are going to put where.

Mr Dietsch: I do not want to put you on the spot, but are you saying legal moose hunting?

Dr Cumming: Yes.

Mr Dietsch: Then that is controlled through tagging, is it not? You cannot bring any more than a certain limit back down, can you?

Dr Cumming: Yes, but it is controlled for a wildlife management area. The Temagami planning area that most people use is part of two different wildlife management areas.

Supposing you have a wildlife management area like that and Temagami is down here, then what they do is say how many hunters can hunt in that entire area. Once they are in there, they do not specify, "You have to go here to hunt or there to hunt," they can go any place they want to in that area to hunt and the natural tendency is to go where somebody has just put a new road. We then get a concentration of hunters in that kind of an area.

They have been trying in northern Ontario to find out some way of avoiding this sort of instant overhunt, which is then followed by—it is the same as everything else then, so nobody worries, but they cannot control it down to that small a level. We would have to have much more intensive wildlife management in order to do that at that kind of level.

They say, "How many moose can we take out of this area?" Then they say, "All right, how

many hunters would it take to get those moose?" We know that they get maybe 10 per cent. Okay, we can issue tags that are 10 times as many as we want out of there and then the hunters go in and they hunt wherever they want to in that area. They cannot control on a local road-by-road area how many moose are taken out unless they set it up as some kind of a very special management area.

Mr Dietsch: Are you suggesting that is what needs to be done then? Are you saying that what should be done is a very localized management in the hunting process, or are you suggesting maybe there should not be any hunting? What are you trying to say?

Dr Cumming: No, no, what I am suggesting is that we need to look at all this to see what the impact of putting these new roads in would be on the hunting, and does it fit in with our overall policy on hunting?

Mr Dietsch: Is that not what is happening through the class environmental assessment that is going on?

Dr Cumming: Not exactly, I do not think. I also mentioned that in the setup where we have a forest management agreement there is more of an opportunity to do that, and possibly someone has done that in the Temagami area too, but I have not been able to determine it if someone has.

Mr Dietsch: Can I ask—

1720

The Chair: I think Dr Akervall has another point.

Mr Dietsch: Oh, sorry.

Dr Akervall: I am a moose hunter; perhaps a different breed of moose hunter, because I will chase a moose for 10 miles in the bush, point my finger at it and say, "Bang, you are dead," and ski out again. But I do get a moose tag.

Mr Dietsch: That is interesting. How many do you eat like that?

Dr Akervall: People have different habits in anything, even in a recreational activity of that nature.

What Dr Cumming was saying in terms of the roads, northern Ontario, in around the Dog River area, say, when they go in and cut in that particular region and open up the lakes and the rivers, you cannot find a parking spot in hunting season to go in there and hunt. It is just totally inundated with hunters. The number of moose that will come out of that area on the first day is phenomenal.

So we are saying that this is area 13 in the Thunder Bay district and that area will be decimated in a very short period of time, although area 13 is quite large. Putting a road into an area and opening it up really causes havoc over the short haul. Again, whether we can manage that is a question we are asking. In the Temagami area, is that same thing going to happen if new roads are put into these particular areas?

For example, right across Canada we take roughly 50,000 moose a year in terms of hunter kill. In Sweden they take 100,000. You can put Sweden in the small part of southern Ontario in terms of size, yet the management of its forests and moose is pretty intensive and it still has more moose than hunters. We can do it also and we do not have to reinvent the wheel. We just have to spend a little time in looking at the problem and coming up with solutions.

Mr Dietsch: I would not disagree with you. I think there is no point in reinventing the wheel. I think we have to enhance where we are going. Dr Cumming, I wanted to ask you, in relation to research for your part of the report, if you will, I am a bit confused by the fact that it is all questions and no answers. I guess I always looked at a report as not just raising a bunch of questions but giving me some answers, too. I guess I would have to ask you how much research has gone into that kind of approach, not to embarrass you, I can assure you of that.

Dr Cumming: We had only a short time. Personally, I had less time than some of the others to work on this. Professor Benson had previous experience. I came into this cold last spring and had only a couple of weeks to try to work out what is going on in this place and then try to work out something about it. What I tried to do was to provide the kind of basis that would be required if somebody were to go in there and make a comprehensive management plan of the sort we think should be performed.

What you need in order to do that is often under the title of background information. The questions I have put in there are the kinds of things I would like to have at my disposal before making the next step of trying to produce a plan. In the time available, I could not possibly even attempt to produce the plan.

Mr Dietsch: My last question for now is in relation to old growth. I was a bit confused, but I thought I heard you say once that this was the last old-growth stand, and then I heard you say there was another one at Quetico. I guess that prompts me to ask you the question, how many old-

growth stands are there that you are aware of, Dr Carmean?

Dr Carmean: This one at Quetico is quite a unique area. It has not been set aside as a reserve either, but it is far from the Temagami area, so it would not be accessible to the people of southern Ontario. The one at Temagami is another unique one. These are the only two I am aware of that are large in size. You can find scattered white pine and red pine that are old trees, but what we are speaking about here is a solid, continuous area, and these are few and far between. I am not aware of any others except these two.

Mr Dietsch: I guess I am familiar with the fact that there is an old-growth symposium that is going to, I guess in the early part of next year, wrestle with those particular questions relevant to some of the points you made with regard to old growth. Can you give me a comment on that?

Dr Carmean: This is white and red pine, so these are quite unique. Of course, you can get further north and find a lot of old-growth black spruce and jack pine, but these trees are short-lived compared to this white and red pine. With jack pine, for example, you cannot find very old trees because the stands break up and they are done at 70 to 120 or 130 years.

These white pine live a long time; they get large. Of course, large, old trees attract loggers. At one time the whole Ottawa Valley had a lot of them, but they attracted the early loggers. This is where the big cities, Toronto, cities in the United States, got their building supply. The exports—the British were getting masts for their ships from this old white pine and red pine. But that is historical logging. That era has long passed and what we are speaking about are these remaining few fragments that somehow or other escaped early logging. These fragments are few and far between and these are the only two large areas that I know of.

Mr Fleet: We have covered a lot of ground and there are certainly some areas that have not been touched on. I am thinking in terms of the comments about recreational use and using things like sight-line reserves so that you will only be logging other sites and preserving the capacity of people to enjoy an aesthetic value as they canoe by, as you do not touch what can be seen. The other aspect is that there is an awful lot of logging that goes on that does not necessarily involve white pine. We focused on white and, to some extent, red pine here.

There are economic values that were only barely touched on. There are other kinds of economic values as to what goes on up in

Temagami, everything from the people who work in certain jobs now to people who have very expensive cottages on islands in Lake Temagami who do not want a road because it might ruin their pristine view of the world that people who are not quite so well off cannot get to when there is no road. There are values that are just as important to be weighed that are aesthetic, in a broad sense, that maybe are not aesthetic from the point of view of the cottager sitting on his island.

Having said that, and I mean now to put those aside, given the time that I have available to ask a question, I have a very central concern about the analogy about the water tank, which is, I think, fundamental to the presentation. Not being, by any stretch of the imagination, an expert on tree growth, I want to just make sure I understand your point of view.

As I understand it, white pine will grow up, and underneath it, for instance, will grow, typically, balsam fir. Eventually, if it is 150 or 300 years, one of a number of interruptions occurs. The tree is affected by disease, by insects, by fire, by wind or by somebody cutting it. Some kind of interruption occurs. When that interruption occurs, what are going to be there are the things that have been growing underneath it. That would be, unless the land is completely cleared, typically, say, balsam fir.

So you do not have a situation which people in the city would imagine where they think of a tree growing up and it dies and then another one just like it would grow up in its place. The forest cycle is not like that, as I understand it, and to that extent, without trying to be unfair to your analogy, the analogy can never possibly reflect the kinds of complexities that go into what will grow up next. As we have heard a little of, it is soil and the global temperature, as well as the local temperature and the moisture and the pattern of rainfall on all of these other things that will have an impact.

The same is true in terms of wildlife. Certain populations will grow and shrink. They will grow and they will shrink and you have to look at a long time span to get a sense of what happens. They go right out of an area and come back into an area. Same thing for trees. They may grow up, they may disappear for a while, and the cycle you have to look at, as I understand it, is a much longer one.

1730

That having been said, it would suggest, if my understanding is complete and accurate, that the fact that a white pine stand grows in one area and is eliminated for whatever reason at the end of its

cycle does not mean that something wrong has happened. It may mean that it takes a long time before that spot has pine again. We have to look to a larger area and a longer time span to really understand the complexities of the forest. It is kind of a long question, to say the least, but I had to give the preface—

Dr Carmean: I will not ask you to repeat it.

Mr Fleet: —from where I am coming from to understand if I correctly understand the points that you have made, which I found quite helpful, but I want to make sure I understand them completely.

Dr Carmean: I think the key to this is that these pines originated under wildfire. Some catastrophe happened back there and eliminated this understorey of balsam fir and hardwoods, the competition that normally would smother out the new pine. This wildfire opened up the area and these big old pines dropped their seed, and the result is that you get an even, well-stocked stand of pine that replaces it. That history of wildfire is not what we are getting now. We are not going to have those holocausts that sweep across the countryside and eliminate the competition. What we are getting now is the selection cutting or clear-cutting. This understorey that you describe then takes over.

Aspen, for example, has a clone where the root system is already there, so you cut the tree, and the root system sends up suckers and that is the next forest. White pine or red pine has trouble regenerating with that kind of competition. The new seedling of white or red pine is a slow-growing tree, whereas that sucker of aspen goes up really fast, overtops it, and that is the end of the pine.

Getting white pine and red pine back with that severe competition from hardwoods is a very difficult thing to do. You have to create a catastrophe, just like back in the wildfires. One catastrophe would be to use prescribed burning to try to duplicate the wildfire. With jack pine that sometimes works, but with white and red pine we do not have much luck in doing that. Scarifying and going in there with bulldozers or some type of heavy machinery and stirring up the soil might sometimes work, but we are not too sure about that. What we know will work is planting and then using herbicides and tending it. That could bring it back, but that is expensive. That is more intensive forestry than we think of.

Mr Fleet: You would only do that in good soil areas. They pick out where they would do it; they do not do it universally.

Dr Carmean: Yes. This gets into some of the debate that Crandall and I have. We have to be site specific where we make our investments in intensive forestry. Our very productive soils are where we should do these intensive things. It is just like this farmer. When he has a variety of soils on his farm, he puts his intensive management on his very fertile bottom-line soil. That old ridge up there that is rocky and stoney, any investment up there is possibly going to be lost. So as we move on into an era beyond the exploitive forestry into more intensive forestry, then we begin these intensive management practices only on the most productive soils.

In Temagami it is a pretty shallow, stoney till. It is not that productive a soil, so the value of it is not so much in future timber production. It is more these aesthetics and recreational values that are at stake here.

Mr Fleet: As I understand it, though, a fire that would sweep through a white pine stand does not mean you are going to get another white pine stand. There is a host of other variables that will affect it. As a practical matter, if the white pine stand will come up only for some particular reasons that may not even be controllable entirely, it is not a particular location you would look at but rather some broader sweep within a large area. Are you getting somewhere in that area? Are you getting some generation of white pine growth? If I understand the sense of forest as an ecosystem, which is surely what a holistic approach is about, I mean, that is a very broad area.

Dr Carmean: These pines have a unique strategy in regenerating after wildfire. This is an evolutionary thing that has developed over many thousands of years. The strategy with this white pine and red pine is that they have very thick bark that pretty well protects them from the fire. They are very tall trees and there is a long way up to the crown of the tree, so a fire can burn through there and all this low balsam fir and aspen will get killed off. But that thick bark protects these pines, so if the area is cleared off, then the seeds shower down and regenerate the area.

It is not that simple, really. With red pine you have widely spaced seed years, five to seven years, so if the fire occurs and it is not a good seed year, you still do not get the red pine regeneration.

Mr Fleet: Or how hot the fire is may make a difference.

Dr Carmean: Yes. We really do not know what happened at Temagami, because no one was back there 200 years ago, but we can

speculate from evidence elsewhere, and research, that probably there was a series of fires every few years. There is a mosaic of age classes there; they are not all the same age. There is anything from 100 up to 200 years of age, so that indicates there must have been a series of fires in there. These repeated fires probably kept that competition pretty well beaten back, and the result was regenerating an even stand of trees all about the same age within this somewhat small span.

Mr Benson: About the model we used in the analogy, we used as simple an analogy as possible.

Mr Fleet: I understand.

Mr Benson: You are right; it is more complex than that, but I look at it as if it were a boat with many holes in it. You try to plug the biggest one first. The model is trying to show where the biggest hole is in the boat. You are right; it is much more complex than what we showed and there are many more interrelationships. It is really a matter of trying to understand them all, but I think you want to start with the most important ones first and work back from there.

The Chair: Mr Fleet, I wonder if we could make a decision as a committee as to whether or not we want to pursue the questions. We are now on to the second time through for members who want to ask questions for the second time. We can do that, or you may want to see the slides Mr Benson has. Are they about 15 minutes there, roughly?

Mr Benson: Less than that.

The Chair: What is the wish of the committee?

Mr Fleet: I think some members want to see the slides.

Mr Wildman: I would like to see the slides.

Mr Pollock: So would I, but I would not mind one quick question.

The Chair: Why do we not take five minutes for questions, then? Are you okay now, Mr Fleet?

Mr Fleet: Yes. I still have lots more questions, but—

The Chair: Could we have a short question from Mr Wildman and Mr Pollock?

Mr Wildman: You have indicated that we have an old-growth stand here and that if it is cut, we lose the opportunity to learn how to regenerate old-growth forests. I have a question which basically is this: If, and I underline the word "if," the Teme-Augama Anishnabai were

to gain control over N'Daki Menan and hired you to manage it on the sustained-yield basis—

Mr Fleet: Another set of economic considerations.

Mr Wildman: That was the purpose of this study, really, was it not? If they hired you to manage it on a sustained-yield basis, which is what I understand they were aiming at, would you allow clear-cutting in Temagami? And if you would, would it involve clear-cutting in old-growth areas like Delhi township, as is planned in the Goulard plan?

Mr Benson: Do you want each one of us to answer that?

Mr Wildman: I do not know. I did not really want each one of you to answer it, but if that is the way you want to answer it I guess it is all right.

Mr Fleet: If you get two yeses and two noes you are in trouble.

Mr Benson: Your two questions are, would we practise clear-cutting and would we harvest the—

Mr Wildman: If you would involve some clear-cutting, would it be in the old-growth area in Delhi township, as is planned by the Ministry of Natural Resources in the Goulard plan?

1740

Mr Benson: If I were managing that forest starting today, I would not clear-cut that particular forest. Actually, as it is, the management plan says you are not supposed to clear-cut that forest, the whole stand, so they would be violating their management plan. Their annual plan does show that they would be violating their management plan.

Mr Wildman: So while they say they are not going to do it, they are going to do it.

Mr Benson: More or less. I would not do it at this time because to me it is a question mark. It is a troubled area. I think another, more important stand is the one north of that red pine stand in Delhi, Canton and Shelburne townships. It is about 900 hectares of white pine.

Should you cut in there now? If you can, I would avoid it at the present time, because again that is really a central area not only for the pine but because of the transportation part and so on. I think you have to identify all the things that can happen from that, all the resource users. Ultimately, it boils down to what you want to manage this area for.

Mr Wildman: I said sustained yield.

Mr Benson: But sustained yield of what? The Indians do not want to manage it for sustained

yield of timber. They want to manage it for sustained yield of everything.

Mr Wildman: Of all the resources, which is what your study attempted to do.

Mr Benson: That is right. If you were trying to do that, okay, I would not under that basis, no.

Mr Fleet: It took a long time to get that no.

Mr Pollock: Dr Akervall, you said you travelled extensively in Scandinavian countries. What two things, just to shorten up the time span, are they doing better to manage their forests than what we are here.

Mr Wildman: That is a big question.

Mr Fleet: In 25 words or less.

Dr Akervall: What you have to look at is that they have had perhaps 1,000 years of management, just simply because of the history of the area. We simply have not had that. We are looking at 1904 for the first document for the Temagami area. We cannot compare apples and oranges on that basis.

They are not perfect over there. I found that out last year when I was travelling in the northern part of Sweden. They planted extensive plots of lodge-pole pine. All of a sudden, 40 years later, when they are just about ready to start to cut it, it is dying dying because some bacteria is affecting it. It is a fungus growth. They do not know whether it is climatic conditions or whether it is acid rain, but they have put an introduced species in there in vast plots of land. They have a big problem, so they are not perfect by any stretch of the imagination. I want to make that clear.

You are talking about a much smaller area, an area roughly 1,000 miles long and 300 miles across. We can almost put that in the Temagami area. So they can plan. They can do intensive forestry and they have to. They call it green gold. The Finns call it that. The Swedes call it that. They have to do it if they want to compete. Right now we do not have to do that because we think we have all kinds of forest that we can cut for ever.

Mr Pollock: That is the problem. That was the main thing they are doing better, though.

Dr Akervall: As I said, I worked over there in 1964. I have been back there a number of times. They do intensive management.

Mr Pollock: In other words, their intensive management compared to what we are—

The Chair: Before we move on, Dr Carmean wants to add a short comment because we want to see the slides.

Dr Carmean: I have been to Sweden too, to a short meeting. I went out on some field trips with a Swedish forester so I can answer your question about some of the things they do that we do not.

To begin with, their soils, their growing conditions are relatively similar to ours. In many cases, they have been over here and said, "If we had soils as good as you do, we would be getting even more yield." What they do is rapidly regenerate these areas. Mr Benson showed that water tank where nothing is going in the top. They make sure those areas are rapidly regenerated. As I recall from the figures, about 80 per cent of their regeneration is planting.

The next thing they do is that they thin those areas. Their total yield at the time of harvest is then supplemented by all the thinnings that are taken out. That is an additional yield. They fertilize, which increases the yield. Then, as Dr Akervall mentioned, they found that our lodge-pole pine grows more rapidly than their Scotch pine. I hope this problem that Dr Akervall mentioned is not going to get out of hand. That enhances their yield, a species that is more productive than their native pine.

The Chair: I will give the last comment to Dr Cumming.

Dr Cumming: There were just a few things that were mentioned earlier that I thought I might comment on. One was the question right near the beginning about animals. I am not sure now who it was. I that you can perhaps understand what is happening in the forest if you compare it with a lake full of fish. In the lake where my cottage is, everybody started fishing smallmouth bass. You are quite right. As they fished, smallmouth bass productivity came up, but they continued to fish smallmouth bass and continued and continued and did not fish rock bass until eventually we hit a situation where the rock bass had taken over.

I think that is the kind of analogy we need regarding these trees. When the white pines are cut, other species take over unless we do something specific to make sure we get them back. Mr Miller, I think it was, was talking about growing these trees on a farm. You are quite right. Theoretically, we should be able to grow them. Historically, we have not. This is one of the things that bothers me. If you go right back to the time of cutting masts, we have come in and cut out the white pines and really have not done anything to try and grow them back again.

You could ask some of the people from the Ministry of Natural Resources, but I believe that up until almost 1980 no effort was made to grow them back. They deliberately had a policy of not

trying to grow them back. At any rate, whether that is true, when we go out and look at what they have done, there are only a few places where they have grown them back. It makes you sort of wonder, if they are going to cut this last area, whether they are going to do it any differently.

Mr McGuigan: On that point, Mr Chairman—

The Chair: I think we had better move on. We have to adjourn at six. Mr Benson wants to take us on a tour of Temagami and we want to go with him.

Mr Benson: I will try to run through these as fast as I can. The first one is an overall slide of the Temagami area that is in the manual.

Mr Miller: Is that a satellite shot?

Mr Benson: That is a satellite shot. It is not really a photograph. It is an electronic image reproduced.

Mr Wildman: Are those clear-cut areas in there?

Mr Benson: Basically, the pink areas—this is Red Squirrel Road in along this area. Those are clear-cut areas or areas that have been disturbed. In this case, most of these are clear-cut areas or regeneration work. This is where much of the regeneration would have occurred. Here is another cutting area over in this area. Obabika Lake is here. The Goulard lumber road comes up this way. They have done harvesting here. The red pine stand in question is in this area. The white pine stand is in Shelburne and Delhi townships and that area.

Dr Carmean: The dark green is old growth.

Mr Benson: The dark green represents old growth. You cannot distinguish between the species. The resolution of this is 30 metres by 30 metres so you cannot distinguish species. Basically, the lighter green is hardwood areas. This is an old fired area here. You can see the reserve around the lake in certain spots.

The Chair: Crandall, when it is possible, would you speak into the mike? I know that is awkward at times, but it is so Hansard can pick you up.

Mr Benson: Okay.

Mr Wildman: Is the Goulard road accessing old growth in that area there?

Mr Benson: The Goulard lumber road goes up into the old-growth red pine. I do not know how far they plan to extend it. It will touch into the white pine, I believe, but it certainly goes into the red pine stand. It goes there already.

This is an old cut looking out towards Lake Temagami. You can see part of the reserve there.

That is part of the problem you get after an area has been clear-cut, where you have a variety of hardwood species and shrubs, etc, coming up in that area.

Mr Fleet: How many years ago was that cut?

Mr Benson: One of the problems has been that these areas have been harvested over a number of years. Operators have gone back in over a period of time. It has developed what they call in one of their management plans a hodgepodge because they have gone in and picked out certain species or certain age classes at one time and taken them, and then gone back in a few years later and taken out some more. So it has destroyed some regeneration that came up and created space for other regeneration.

1750

Mr Fleet: I am just trying to understand what it is you are showing us. I simply do not understand what it is we are looking at. How long ago was that cut? Unless we know that, it does not really inform us very much, does it?

Mr Benson: I think it tells you one thing. It was white pine before and it is not white pine now; that is for a start. You should get that impression. Second, you can see the reserve in the background around Lake Temagami, what is left there, and you can see it is a skyline reserve. It is not entirely, 100 per cent effective. Otherwise you would not be able to see the lake. Third, the type of regeneration you have coming back is not necessarily good hardwood.

How long ago has it been cut? Who knows? You can ask the ministry. Perhaps their records can tell you, for each area, how long ago it was cut. I would estimate it has been cut probably, in this cut, six to ten years ago. It was scheduled to be harvested again last year and this year to pick up remnant hardwood trees. Parts of it will have been cut just one year ago.

You can get white pine regeneration. This is the skyline reserve around Lake Temagami and there is some young white pine coming up there. It is rather difficult to see, but if take a look at the rock on the right, there is one there. I was looking at a smaller one one right above your head. So you can get regeneration naturally coming back in under this white pine and under the shade. It will survive under shade. However, I do not know what it develops into and that needs to be documented more fully than it is at the present time.

There are plantations that are not too bad. For the most part, they are not too big. This is one of red pine that is along the Red Squirrel Road.

There are other plantations that—I am sorry. This is not a plantation here; this is natural regeneration, again on a fresh cutover of white pine. If I were doing it as a forester, I would not cut it quite that heavily, but how it turns out I do not know. This is part of the problem. There are not enough good records in that area to know exactly what will happen.

This particular area is an area that was cut over for the pine and for the hardwood. I do not know over what the total period of years would be that it was harvested, but it was logged and scarified and planted to jack pine, and it is coming back.

Mr Fleet: You are saying that is Lake Temagami?

Mr Benson: No, that is not Lake Temagami. There is a creek that goes in there and that is a small lake that is coming into the—

Mr Wildman: Why would they plant jack pine instead of replanting white or red pine if that is what was there before?

Mr Benson: Well, you have problems. It is a fairly large area that has been cut over and white pine does not grow well in the open. There is a problem in planting white pine, to bring it along. You run into two problems. You run into a weevil problem and you can run into a blister rust problem, and it does not grow well in full sunlight when it is a young tree. It requires a certain amount of cover to grow well. Jack pine is easier to grow and it is going to be more successful.

This is a white pine plantation that has been put in in a small area that has been blade scarified. You can see it is too open for the white pine to do well. It will probably survive, but not 100 per cent. Another problem is that they have scarified and pushed material to the left and right that I think overall causes some slight deterioration. How much I do not know, but I do know that if you are on your farm and you take the topsoil and push it to the side and try to grow your crop on what is left, it is not the best way to grow a crop.

Mr Pollock: Are those red marks dead trees?

Mr Benson: Those are not dead trees. Those are dead parts of trees. Parts of the trees have died. In a few cases it would be the whole tree. It is just a sign that the plantation is not entirely healthy for one reason or another.

Mr Fleet: When you say scarified, are you referring to the process where they do a cut of an area and then they take the stuff that is left over, the branches and what not and pile them up in lines? I am not sure what that is called.

Mr Benson: Scarification is basically where they have taken some type of mechanical means to the soil to rough it up.

Mr Wildman: It is like a disc harrow in farming.

Mr Benson: Yes, I guess that would be the equivalent.

Mr Fleet: What is the term for when they move all the brush into lines and it looks almost like—

Mr Benson: That is windrowing and that is basically what has happened here. They have pushed the material to the side, but it is also a bit like scarifying because it has disturbed the soil and pushed some of the soil to the side. So it is windrowing and scarifying, if you like.

This is an aerial shot, and here you can see what you were talking about. The windrowing is somewhat evident there, I hope. That is a plantation area and that is along the Red Squirrel Road. Where you can see those dark green lines, or darker green lines, is the windrowed spot where vegetation is somewhat more lush than in the area in between. That will probably be a successful plantation, though.

Part of the problem is that if you take a look on the other side of the road beyond the plantation, you can see the type of forest they have to deal with. It has been harvested before. You have hardwood coming up with conifers. What do you do with that type of forest? It is very difficult to work with. It is a real hodgepodge. You have some white pine in it, but not a great deal of white pine. It is difficult to cut to get it to regenerate back to white pine.

Mr Fleet: In fact, all the species are mixed in there, are they not?

Mr Benson: Pretty much so, yes.

Mr Fleet: Because it is a transitional-type forest?

Mr Benson: Going from the south of Temagami to the top, there is a transition between the Great Lakes-St Lawrence and the boreal forest. So you get a mixture with more hardwood in the south, yellow birch and hard maple in the south, and more spruce and jack pine in the north. White pine is sort of filtering in between the two. You also get your white pine in areas like this that are more on a rocky ridge. White pine can survive and compete better on the poorer soils. The hardwoods do not grow as well. It will out-compete them and survive.

Some of your cutovers—again, you can see the lakeshore reserve and the type of cut going on behind it. It is not the type of cutting I would do. I

do not know what the best type of cutting is and I do not want to pretend to say that, but I think that after this number of years we should have a better answer as to what is the better type of cutting, as to what is the best type of cutting.

Mr Fleet: I am sorry; I did not follow that. You were saying you would not do that kind, but you do not know what kind you would do? Did I understand you right?

Mr Benson: It is like dropping a hundred pounds of rock on your foot and it hurts. I would not keep doing that. You know that it hurts.

Mr Fleet: Are you saying you just would not cut? I just want to understand what you would propose.

Mr Benson: No. I am saying that I would not do this type of cut. I do know that this type does not work. I am saying, then, that I am not too sure what type of cut would work better on this particular site without having more experience on that area and so on, personally. Going from what has been documented for the area, I cannot gather that.

Mr Wildman: Do you think the Ministry of Natural Resources knows how better to cut, from its records that you have looked at?

Mr Benson: Yes, I think some foresters do know that, but from the records, no. What I do know from talking to certain foresters is that they probably know how to do it, but from the records, no, they do not. It is not documented.

Mr Wildman: Have they been given the resources to do the kind of work they would like to do?

Mr Benson: I do not know. You would have to ask them that.

Mr Wildman: I will.

Mr Benson: Good question.

Mr Fleet: That is known in the business as a setup question.

1800

Mr Benson: This is an aerial shot of Delhi township, the red pine stand, with Obabika Lake to the top. It is an area with the smaller lake to the northeast of Lake Temagami. The type of cut is more of a clear-cut. This is one where the pine has been cleared out and the hardwood has been cleared out. Again, I think we can do better types of cutting than that. What the particular type is for that particular stand would require more intimate knowledge of it and more knowledge of what methods are successful on particular areas.

The Chair: Why would they cut right down to the shoreline there? Because it is a small lake?

Mr Benson: Because it is a small lake.

Mr Miller: It is a big pond.

Mr Benson: I guess it is a matter of opinion. It depends.

There is really one question we did not address today. Who does the forest belong to and who are we managing the forest for? There was a survey done in Toronto by the federal government a year ago that indicated the public certainly is at odds with general forest management as we practise it. I think we are heading to a conflict area unless we respond to the public and how they want the forest managed.

I think something like this would probably upset them unless there is a good reason for cutting like that, to that particular lake, particularly in an area like Temagami where eventually people are going to see it. People have seen this and do not like it. There are other ways you could do it.

Mr Fleet: Before you go on, how do you get to that spot? Where is that?

Mr Benson: This is the one I said was to the northeast of Lake Temagami. How do you get to this particular spot?

Mr Fleet: Is there a road that runs by it? Do you have to walk to it or do you canoe to it or what?

Mr Benson: That is a picture I took from a plane. That is the easiest way, but the road that would go back to that right now, I believe, is the road that comes down from the Red Squirrel Road.

Mr Fleet: One of the logging roads.

Interjection: Right.

Mr Benson: Well, most of your roads in that area are going to be logging roads, whether they are paid for by the company or by the—

Mr Fleet: Even those older roads are largely logging roads originally, I guess.

Mr Benson: Most of the older roads are not that well. Much of the logging was done on the ice or by float in the water, so the older roads are generally just winter trails that are not suitable for traffic.

You can see the longer-term effect of the reserve around Lake Temagami that has more pine component in it, and back from that edge you can see where the hardwood starts, the pine being the darker material along the lake and the hardwood the yellow-green, mixed in with some conifers in the foreground.

Mr Wildman: This is what the Ministry of Natural Resources means when it says regenera-

tion has taken place, even if it is not what it aimed at.

Mr Benson: Yes, I think that is what they mean. I do not want to speak for MNR as to what it means all the time because I am not entirely sure.

Mr Fleet: I would like to get a sense of the distances we are looking at. On the right-hand side in the middle of the picture, there is a thin dark green band of forest. What would the distance be from the edge of that forest to the water? You cannot tell from this perspective whether that is a short distance or a very long distance.

Mr Benson: Do you mean to the right of the picture here?

Mr Fleet: The right-hand side, yes. Right in there. I cannot tell if that is a big slope and a long distance or—

Mr Benson: Usually there is a fair slope along the lake. In this spot, I think there is a bit of a slope there. I would imagine that distance would probably be anywhere from two to four chains. I am not too sure of the slope going down to the lake there, but anywhere from two to four chains.

Mr Dietsch: How much is that, David?

Mr Fleet: It is 66.5 feet. Everybody knows that.

Interjection: Don't you know your old chain measurements?

Mr Fleet: We talk about that in High Park-Swansea all the time.

The Chair: The length of a football field.

Mr Benson: It is anywhere from 100 feet to 200 feet. A chain is 66 feet. I do not know what measurements you use here, whether you are using metric, English or what.

There is the same type of effect that you can see there with the hardwood beside the edge of the reserve. I think you can get a better idea of the distance of the reserve than you did in the other photograph.

Mr Wildman: I have a problem. We are seeing what has happened in the past, where they have cut pine in the past and now you have hardwoods growing. The problem I have is, is this likely to happen in the future? Is this what is going to happen if they cut down the area they are

intending to cut now? Are we going to have hardwoods growing up again instead of pine?

Mr Dietsch: It depends on the policies for regeneration.

Mr Benson: And it depends on—

Mr Fleet: Is this a statement or a question?

Mr Wildman: It is a question. I do not know. I cannot tell from—

Mr Benson: I can answer that. Do you want me to answer that question?

Mr Wildman: Yes, if you can.

Mr Benson: No, the white pine is not going to come back with the methods they are using for cutting that forest at the present time.

Mr Wildman: Thank you.

Mr Benson: That is it.

Mr Fleet: That last shot was what?

Mr Benson: The last shot was scenic shot of sunset on Bear Island. I am sure it was not sunrise; it was sunset.

Mr Wildman: That is the reserve. That is the band office there, is it not?

Mr Benson: I wonder if this one is in backwards.

Mr Wildman: I think that is the band office. It looks like it.

Mr Benson: No, that is not the band office. That is the old hall.

Mr Wildman: That is where Grey Owl lived at one time.

Mr Benson: I am not too sure who lived there, but it is a hall.

Interjection: Who?

Mr Wildman: Grey Owl, the impersonator.

Mr Fleet: Some wise old bird.

The Chair: The Legislature has adjourned and we are supposed to adjourn when it does. Gentlemen, we thank you very much for your presentation this afternoon and for your answers to the questions that were put to you. We appreciate it.

On Monday, the Ministry of Natural Resources appears for us to hear the rest of the story. We are adjourned until Monday.

The committee adjourned at 1807.

CONTENTS

Thursday 16 November 1989

Organization	R-21
Temagami district resources	R-22
Lakehead University	R-22
Adjournment	R-49

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Chair: Laughren, Floyd (Nickel Belt NDP)

Vice-Chair: Wildman, Bud (Algoma NDP)

Dietsch, Michael M. (St. Catharines-Brock L)

Fleet, David (High Park-Swansea L)

Lipsett, Ron (Grey L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miller, Gordon I. (Norfolk L)

Pouliot, Gilles (Lake Nipigon NDP)

Riddell, Jack (Huron L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Also taking part:

Pollock, Jim (Hastings-Peterborough PC)

Clerk: Mellor, Lynn

Staff:

Luski, Lorraine, Research Officer, Legislative Research Service

Witnesses:

From Lakehead University:

Benson, Crandall A., Professor, School of Forestry

Cumming, Dr Harold, Professor, School of Forestry

Akervall, Dr Hank, Professor, School of Outdoor Recreation

Carmean, Dr Willard, Professor, School of Forestry

A20N
C3
576



Legislative Assembly of Ontario

No. R-4

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Resources Development

Temagami Distance Resources

Second Session, 34th Parliament

Monday 20 November 1989



Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Monday 20 November 1989

The committee met at 1535 in committee room 2.

TEMAGAMI DISTRICT RESOURCES (continued)

The Chair: The standing committee on resources development will come to order as we continue our penetrating glimpse into the Temagami issue and, in particular, the report by Mr Benson and other authors on forestry management in the Temagami area. We have with us today the minister, the Honourable Lyn McLeod, and some of her staff. I would ask if she would kick off the discussion and introduce her staff.

MINISTRY OF NATURAL RESOURCES

Hon Mrs McLeod: May I say, just by a very brief word of preface, that we consider this to be a very welcome opportunity to come and talk with the committee in some detail about the issues of the Temagami forest. There have been a great many concerns about Temagami. Those concerns, I think, reflect a great variety of interests and a variety of perspectives. I think there perhaps are also some misperceptions about the work of the Ministry of Natural Resources in the Temagami area, what we are doing and what our goals of managing the Temagami forest area are. So this indeed is an opportunity in this forum to talk about our goals, what we are trying to do, what we believe to be our successes and, as well, the challenges that we are honestly endeavouring to confront and to manage in the Temagami area.

You have already been receiving a fair bit of technical information, and I know that you will continue to receive technical information as you progress with the hearings, but I think it is important to have that base of information for your deliberations. So I will ask our deputy minister, George Tough, to proceed with the presentation of MNR's work in the Temagami area, and we will introduce the staff members as they take part in that presentation. Subsequent to that, I will make a few wrapup comments before turning it over for your questions, if that is okay, Mr Chairman.

The Chair: That will be fine.

Mr Tough: We very much welcome the opportunity to appear before your committee to talk in particular about forest management in

Temagami. But we also want to put that within the context of our planning approach in that district. I in particular want to talk just briefly about the context in which I invite you to examine this issue and to introduce some of the issues that my colleagues, whom I will introduce as they come along, will discuss in more detail. Supplementary to the material that they will be presenting and I will be discussing is a rather large pile of material that you have in front of you and that we hope you will get an opportunity to glance at so that you will have the best possible opportunity to see how we see issues there.

We have tried to make the presentations, in particular those on silviculture and forest management, understandable to me and therefore to you, but I have to say that some of these issues are technical and complicated and that it may be tough sledding for all of us; I beg your indulgence. Forest management is not a simple subject and I think it will be very helpful if we all get a basic understanding of where we are coming from. To do that, we need to set out some of the principles, some of the definitions, some of the approaches. Some of those approaches have already been put in front of you by Professor Benson and his colleagues, and I want my staff to refer in particular to some of the points that Professor Benson raises in his report.

As most of the members of this committee are aware, we have before us a classic resource issue. It has all of the ingredients—there is none missing that we know of—in terms of the sustainable development that is now going on in this province and across Canada and around the world, and has the added feature of the native land claim in the area.

The debate has been going on for the better part of a decade; it is not new. We are talking about resource management issues here, but I would stress that we are also talking beyond resource management in the narrow sense to looking at society's values and the way that society's values are shifting and the challenge of recognizing those shifting values with historical, legal and ethical commitments that there are to, for example, the resource-harvesting industry. They also increasingly have to be reconciled with long-standing forest practices and policies in this province and elsewhere. The issue is begging a

number of questions with which we are attempting to come to grips, ranging from the merits of particular silvicultural and harvesting practices to the whole question of protection—how much is enough? Those kinds of issues need to be addressed, they are being addressed and the issue is not resolved.

There is a great deal of emotion attached to this issue. It is a challenge and we welcome this occasion to do it. It is a challenge to get the debate focused on the issues and to have a discussion about the facts of the issue even though, from various points of view, they may be value-laden. We hope therefore that the transcript of these proceedings will be widely available and widely read.

We know that there are many interests at play in Temagami, as in other parts of Canada. As Professor Benson pointed out on page 1 of his report, too many people want to use this area and their reasons are too incompatible for any solution to be easy and simple. That is right. The only reality we know is that we have to sort those out. We do not have the luxury of either a one-dimensional view or no view at all.

We also thought it was important that the committee members have the background and the origins, if you like, of the Benson report. It has its origins in a series of discussions which my ministry at all levels, including myself, had with Chief Potts, both directly and indirectly, through discussions with members of the Ministry of Northern Development and Mines and the Ontario native affairs directorate. We were having those discussions in an attempt to persuade the members and particularly the council of the Teme-Augama Anishnabai to participate with us in resource management planning and timber management planning in the Temagami area.

One of the points they made quite convincingly to me was that they did not feel they were in any position to take a view on our timber management planning because they lacked the scientific knowledge and the professional know-how and the kinds of advice that are so readily available to me and my minister to provide that kind of participation. So we decided that we would sponsor a consultancy, reporting to the band, which would examine forest management practices in the Temagami area in the hope frankly that once they had that body of information, they would be better placed and perhaps better disposed to at least make their views known; if not overtly participate in the timber management planning process, to make their

views known so that they could be taken into account as we developed our reports and our timber management plan.

We wanted at that time, and we still do, the band's involvement in the timber management planning process. We went a very long way in our discussions with the band to reassure it that its views would in fact be taken into account. At various junctures, we offered them a very significant place in any structure that was designed to develop resource management plans in the area. It is a matter of some regret to me that those offers were not taken up to the present time.

However, the Benson report is there now. We will have some commentaries on it in due course, but one thing it does do is stand as a measure of our progress in developing our new timber management process and our forest management practices in the area. However, I do reiterate that it is a matter of some regret that it has not led the band to decide to participate formally with us. We understand the broader reasons that are inhibiting the band from doing so.

The other point I want to mention, as we are looking at some of the timber management issues in Temagami, is a reminder that this is occurring within the context of a much broader scrutiny of our timber management in this province, the class environmental assessment that is going on and Professor Baskerville's audit of our forest management in the Ministry of Natural Resources.

As most members are aware, we are involved, and have been involved for a while, in a re-examination of pre-existing policies ranging from our parks policy to fisheries policy and more recently the launching of the Wildlife Working Group, which we expect will report to the minister in about a year.

What we are also pressing forward with, I think, in a degree not witnessed in the past is public involvement. We will talk briefly about that, some of the institutions we have in mind in Temagami. We have a great deal of confidence that people at the local level can sort out and resolve issues for the greatest good and we believe that the Temagami Advisory Council is a good model in a model district. We will have more to say about that.

There have been some other very helpful suggestions and some members may have had a chance to look at them. The Canadian Parks and Wilderness Society prepared a report which was tabled to the former minister, Mr Kerrio, some months ago. There is a great deal of food for thought in that and we commend it to members

for their review. Most recently, of course, the Benson report is available for scrutiny and peer review and for its incorporation into the process.

My colleagues in due course will make some references to Professor Benson and his colleagues' work. To sum up, there are some truths and truisms in that report. As the professor would acknowledge, I am sure, much of the material in that report came from our ministry and regional offices and we were pleased to participate and co-operate in the assembly of his material. There is some very useful material in there. There is also some interesting theory in the report. We believe that there are some debatable points in the report and I believe some of my colleagues will touch on those. We would also venture to say that there are some errors of interpretation which we would like to sort out with Professor Benson, as the time permits.

We believe that he has made some very good points. A number of those points we are putting into practice, certainly in the Temagami district. There are as well some points that the professor makes which we think are helpful and useful suggestions but would not seem to be practical at the present time.

If I could just go very quickly to remind the members of the area we are talking about, the Temagami district, centred on Lake Temagami, including the Lady Evelyn-Smoothwater Provincial Park, is in green. That irregular line represents the land claim of the Teme-Augama Anishnabai and the rectangular lines that roughly follow that line are the so-called caution that has been in place for more than a decade. Our administrative district falls within that area and takes in most of the area in question. That is the area we are looking at.

Just for perspective, the land claim of the Teme-Augama Anishnabai represents about one per cent of Ontario's area or about two Prince Edward Islands. That is what we are dealing with.

As Professor Benson recognized, and this is in your hard copy, there is an array of perceived wants that we are attempting to deal with, beginning of course with the native people who claim ownership to the land and the resources. There is a group of canoeists and wilderness users who want the minimum disruptions to the area and the minimum of access. There are traditional users, cottagers and so on, around the area who want to maintain the aesthetics of the skyline reserve and to prevent overuse.

You can go down that list and see a fairly full spectrum of users and therefore what they are

trying to get out of the Temagami area, including of course the forest industry and potentially the mining industry in the area. The only mining activity of any consequence in the area at the present time is the Sherman mine at Temagami which will be closing down within the next year, and the caution that has been imposed in the area is a fairly significant inhibition to further investment by the mining industry in the area.

1550

We think that a major turning point occurred in May 1988 when the government took some decisions about Temagami, including decisions on the purification, as we call it, of the wilderness park, the creation of three new waterway parks south of the existing park, but also a resolution in parallel to continue to support jobs and the communities in the area, involving of course the decision to construct the Red Squirrel Road with an array of 29 conditions on it.

The Chair: For the benefit of the committee members, how long is the MNR presentation going to be in total?

Hon Mrs McLeod: We are wondering whether or not it would be appropriate to have questions on data as we go along, so that—

The Chair: I am nervous, Mr Tough, as I look at the paper. If we hold off the questions to the end—which is usually best; otherwise we do not get through it—I am worried that there will not be an adequate length of time for members of the committee to have an exchange with you and your people. I know they very much want to ask questions, some of which flow from Professor Benson's report and some from your own.

Mr Tough: Perhaps I could help, Mr Chairman, by stopping now. I think a number of the points that I would like to make will perhaps be made at greater length by my colleagues. I am in your hands as to whether you want questions now or whether you hope to have those picked up.

The Chair: I do not think that is the issue. I think the issue is how much time you are going to take in total, because if we are not finished by five, if the MNR presentation is not over by five, I think it is not fair to members of the committee to have a decent exchange with the ministry. I wonder if you could keep that in mind.

Mr Tough: Yes.

The Chair: Is that all right with members of the committee?

Mr Tough: We will aim at five, Mr Chairman.

The Chair: Thank you. Let's proceed. We will try to hold off questions until then.

Mr Tough: Thank you. May I think introduce Brian Hillier, who is the project management specialist in Temagami.

Mr Fleet: If I might add, it is certainly not necessary for MNR to go all the way to five because I do not actually think that will be long enough to ask questions.

The Chair: I am inclined to agree with you, Mr Fleet. So anything you can do to keep it short—

Mr Hillier: In my part of the presentation I am going to talk very briefly about some of the timber management aspects in Temagami district. What I would like to talk about is some of the history in Temagami, because it is this past logging that has occurred in the area which has shaped the forests that we are dealing with today. I would like to about the mills and the socioeconomic benefits, to try to drive home some of the importance of the forest industry to the local communities and the local people. I would like to talk a little bit about old pine stands in our area, to demonstrate that the last old-growth white pine stand is not about to be logged in Temagami.

I would like to talk about regeneration. There are shortfalls in the regeneration program prior to 1984 and I hope to show how it has been improved since then. Then I would like to talk a bit about timber management plans and our comprehensive planning program, to give you an idea of the future for timber management in the area, the processes that are in place and how we would like to get the public's input into this process.

Mr Miller: How old are those pines?

Mr Hillier: Most of the pine are generally in the range of 207 to 213, although you will find the odd pine in the range of 300 that was bypassed from past logging.

Past history in the Temagami district: Logging originally started in the 1860s to 1870s and it basically started up in the Lake Timiskaming-Montreal River area. It was dependent upon the white pine, and it was mainly water access, so all the logging came off the water routes in the area. There was not much logging that occurred at that time inland.

In the 1890s there were several small sawmills in the area, but they were mainly serving local needs. In the early 1900s there was a growing agricultural base established at the north end of

Lake Timiskaming in what is now the Tri-town area.

Tourism started to grow in the area in the early 1900s as people came up here to canoe. The railroad was built around that time, and silver was discovered at Cobalt in 1903. In 1901, the Temagami forest reserve was established, and this was a reserve which set aside the land of the area for the future use of the industry. It was not a park.

The year 1922 was a big year in the history of the Temagami area in that there were two fires: Haileybury and the Cassels township fire. As a result, the government of the day sent in an inspector to look at the burnt area to see about the possibility of a salvage cut for the industry. At that time, a decision was made to allow harvesting to occur in that area due to the overmaturity of the pine, and within three years there were six sawmills operating in the Latchford-Temagami area.

In the 1920s to 1930s the Ferguson Highway, which is now known as Highway 11, was built, and it provided major access, along with the railroad previously built, for growing commercial routes for products as well as encouraging tourism into the area. Prior to that it was primarily a white pine and red pine industry. From the mid-1950s to the 1980s there was an increased use of pulpwood, jack pine, spruce and some hardwoods; prior to that there was a minimal amount of pulpwood harvesting. From the mid-1960s on there was an increase in the use of jack pine and spruce.

To give you an appreciation of some of the development that has occurred in the Temagami area, these little round dots represent some of the past logging camps in the area of the district. As you can see, there has been development throughout the area. One thing that Temagami is not is a pure, virgin, untouched area.

Some implications of these past practices: The white pine industry was a high-grade type of operation. In those days, the loggers harvested the better-quality trees and left the poor-quality ones or the ones that were of smaller diameter at the time. This was from the 1860s up to the 1970s almost. This resulted in lower densities of the stands that we have in the area today. Normally our white pine stands in the area that are available for harvest have a 30 per cent to 40 per cent pine component in them. It also resulted in a change in species composition. As these old loggers removed the pine as a seed source, it resulted in some other species, such as spruce or poplar,

taking over the site. Mr Benson also points this out in his report.

It was considered a liquidation approach to harvesting the pine. They were valid reasons for the time, I believe, in that the thinking of the day was that pine was near its northern range and difficult to regenerate. There were some serious concerns for one disease and one insect—the white pine blister rust and the white pine weevil—which could have a major impact on white pine regeneration. That was the thinking of the day.

Harvesting was market-driven. There was no attempt to try to manage the white pine in accordance with what the forest could produce. It was geared towards what the industry could harvest and what the market could absorb. It was changed to sustained yield in the 1980s plans.

In terms of regeneration, there was minimal emphasis on planting back in the early days as everybody thought the supply would last for ever, and as a result we had natural regeneration. Some of the early tree planting that did occur was extremely restricted by the poor utilization, where you have a lot of slash, the residue from those former logging operations. You could not prepare the site. There were residual undesirable species such as poplar or spruce which were left on-site, and when you have that it makes it difficult to treat the areas. The technology available at that time was mainly geared towards reforesting abandoned farm land in eastern Ontario.

1600

The bottom line is we have inherited a forest from past practices which has been high-graded for white pine. It has reduced the densities and this is a challenge for foresters of today to deal with.

A little bit about the forest industry in the area: This is a list of the mills which receive all or part of their supply. As you can see, there is a mill in Temagami, plus other mills in the area of Sturgeon Falls, Field, Braeside, Mattawa, Rutherglen, Haileybury, Elk Lake and Englehart, all of which receive all or part of their supply from the Temagami area.

Mr Wildman: Braeside is near Arnprior?

Mr Hillier: That is right. Consolidated Bathurst recently changed to Consolidated Stone. Consolidated Bathurst originally acquired its supply in Temagami when it acquired the Gillies Brothers limits. Gillies Brothers operated a sawmill in the Temagami area from 1945 to 1958, at which time Consolidated Bathurst reviewed its mill supply. They were operating

three inefficient sawmills at that point in time. They decided to close all three sawmills and amalgamate their wood supply to supply one modern mill which was built in Braeside.

Mr Wildman: So that is near Ottawa.

Mr Hillier: Arnprior, towards Ottawa, correct.

Mr Pouliot: Who is the major player there? Of those mills, who is the major player there?

Mr Hillier: Milne is the major mill.

Mr Fleet: You say they are receiving all or part of supply. Can you give some kind of breakdown as to what proportion is going where? Talking about major and minor and stuff is a little vague.

Mr Hillier: At the end, I could possibly throw a slide up which could answer Mr Fleet's question.

There are also several what we call independent operators. They do not own a mill but they operate in the area, harvest wood and sell the wood to the various mills in the Temagami area.

I will talk a little bit about the forest industry, which is a substantial contributor to the social and economic wellbeing of local communities, Temagami residents and other residents in the area.

Back when we were doing the environmental assessment for the Red Squirrel Road extension, we hired a consultant to do some analysis. They came up with some estimates of the value of the wood coming from the Temagami district to be about \$35.3 million annually. This supported roughly 475 direct jobs and another 895 indirect, for a total of 1,370 jobs.

There are probably members of the forest industry who will argue with those figures, saying they are too conservative. Possibly they are. They have put their own estimates together. They argue that their profit margin is in the 10 to 20 per cent range and if they are reduced by a portion of their supply, it could result in the collapse of their companies. Their estimates are as indicated here.

The important thing here is that the forest industry is a significant contributor to the social and economic wellbeing of the Temagami area. However, there is also mining, which is a major employer in the area, plus tourism. I think if you hear from representatives of the local communities, their point of view would be that we need all three in the Temagami area.

A little bit about old pine stands: Last spring, the Ministry of Natural Resources did a preliminary identification based on our forest resource

inventory, which is a broad planning inventory, to identify the white and red pine stands which were at least 121 years or older.

In Temagami, there are approximately 26,000 hectares. Of this 26,000 hectares, an area that has been protected is the Lake Temagami skyline reserve. This is a reserve around Lake Temagami which has been in place since logging first started around that area. There are approximately 6,000 hectares in that area. Harvesting is allowed in the skyline reserve only to allow for the regeneration of the pine component to maintain the aesthetics.

One little point: Mr Benson was not quite up to date in his report when he indicated that the skyline reserve formed part of the land base which was used to calculate the allowable harvest. The Lake Temagami skyline reserve is removed from the land base for that purpose.

Mr Wildman: When was it removed?

Mr Hillier: It was just removed for the 1990 plans, which we are working on now.

Mr Wildman: So currently the cutting—

Mr Hillier: Currently it is pulled out, and that was pulled out about a year ago.

In the parks there are approximately 2,100 hectares of these old pine stands, for a total of about 8,100 hectares in our district, which is 30 per cent roughly of this total 26,000 hectares which is protected in one way or another.

The Goulard Road extension area has been one of the areas of controversy. In that area, if we looked at all the pine that would be accessed by this road extension, the area in timber production is about 585 hectares of old pine stands. In the park land, as Mr Tough mentioned, the creation of the new waterway parks, about 93 hectares of that old pine stand were included in that waterway park. In total that represents two per cent of the total 26,000 hectares.

In the Red Squirrel Road extension area, again if the road is built and the land base is available for timber production, if it occurs, approximately 923 hectares would be available. That represents about 3.5 per cent of the total 26,000 hectares in the area.

In this area as well about 257 hectares of that old pine stand have been put away in the newly created waterway park, the bottom line being that we are not about to harvest the last old pine stand in Temagami. We are talking about 5.5 per cent in those areas.

Mr Wildman: But more old growth is outside the park than inside?

Mr Hillier: There is your total; this is what is available.

Mr Wildman: You did not answer my question.

Mr Pouliot: Answer the question. It is simple, and good for the soul.

Mr Wildman: You did not answer my question.

Mr Hillier: Obviously there are 2,100 in the parks and 26,000 outside the parks, which is the total. If you took away 800, you are looking at roughly 18,000 hectares which are available for timber production. Does that answer your question?

Mr Chairman: Out of 26,000.

Mr Hillier: Sorry, 26,000 is the total; 6,000 in the skyline and 2,100 in the parks, for a total of 8,100.

Mr Wildman: But that is not all old growth?

Mr Hillier: No, we are not saying it is old growth.

Mr Wildman: That is why I said you did not answer my question; my question was about old growth.

Mr Hillier: There are old pine stands. There is no definition for old growth in Ontario for white and red pine. Various groups have come up with their own definition. However, the Ministry of Natural Resources, with the help of the University of Toronto, has announced a symposium to try to wrestle with that question, to define old growth.

What I am talking about is where the potential may be in old pine stands. I am not saying this is all old growth. Some may be, some probably will not be.

Mr Fleet: What is the definition of old pine stands?

Mr Hillier: It is white and red pine stands of 120 years or more.

Mr Wildman: That is because MNR uses a 120-year rotation.

Mr Hillier: That is one of the reasons, yes, but that would have included stands of 121, 186 and so on.

Mr Pouliot: Anything that will not be standing next year.

Hon Mrs McLeod: That may not even be the definition.

1610

Mr Hillier: To talk a little bit about regeneration, it is important to know how much has been harvested. This slide depicts the area that has been harvested from 1980 to 1988. The green bar represents the area that has been harvested in

white and red pine stands. The red represents what has been harvested in white pine, red pine, jack pine and spruce stands and the blue represents the total of all species that have been harvested in these two management units.

When one compares our region efforts in the Temagami area, they are directed at white pine, red pine, jack pine and spruce because that is where the effort has to go, to regenerate conifer species. Species such as poplar and white birch are more than adapted to sprouting from roots and stumps and I am sure most of you are aware of seeing poplar come back in cutover conditions without any help from MNR.

If you are going to compare region efforts, you should compare them against the red bar, not the blue bar. In the case of Mr Benson, he has inadvertently compared it against the blue bar line.

Mr Wildman: I do not think he did it inadvertently; I think he did it purposely.

Mr Hillier: Could be.

Mr Wildman: Because he is interested in having pine stands grow rather than poplar.

Mr Hillier: Let's just look at that, okay?

Mr Pouliot: With respect, I think that is a very strong opinion on someone like Mr Benson and his credentials, certainly not in terms of comparisons but basic idea. I find you, with respect again, somewhat bold to question Mr Benson's comparison figures on what is being regenerated and what is being harvested.

Mr Hillier: If I may point out, in Mr Benson's report he is very quick at breaking down his harvest for the period 1960 to 1980 by species, but when he comes to compare 1980 to 1987 he does not break it down by species; he compares totals.

Mr McGuigan: He does not know the value of a log.

The Chair: Perhaps later on you can ask MNR for its opinion of the value of a log too. Go ahead, Mr Hillier.

Mr Hillier: If we look at the averages during this period, for white and red pine about 294 hectares have been harvested; for the conifer species, an average of 682 hectares per year; all species, about 2,081 hectares.

If we look at regeneration for the period 1980 to 1984, this black solid line represents the average 682 hectares that were harvested during the period of 1980 to 1988. The green represents the planting. The red represents a treatment known as seeding where we broadcast seed over a cutover and hope that it would germinate and

come back. As you can see, during the period 1980 to 1984 there were some serious shortfalls in the regeneration program.

If we look at the period from 1984 on, again this is the 682-hectare-average bar for the amount of area that was harvested. The green represents the area that had been planted; the blue represents the area which had been treated by a modified harvest. By "modified harvest" we mean leaving some trees on the site as the source of seed fall and site protection. As you can see, from 1984 on the Ministry of Natural Resources has made significant improvements to the regeneration program in the area.

I am sure many people had the opinion that the MNR in Temagami only regenerates jack pine. I would like to spend a few moments talking about white and red pine. Again, this slide is to show what has occurred from 1980 to 1984. This black line represents the area that was harvested in those years. The green shows planting, the red patch shows seeding. Again, for white and red pine there were serious shortfalls from 1980 to 1984. There was also no modified harvest during this period.

If we look from 1984 on, here is our harvest line. This is our planting line and the blue represents how much has been treated for a modified harvest regeneration approach. I think this demonstrates that MNR has tried to improve on its regenerating program since 1984.

The Chair: It is too soon, Mr Hillier, to know if that was free to grow, though, is it not?

Mr Hillier: Yes, it will be too soon yet.

Mr Wildman: So we do not know how many will grow back?

Mr Hillier: We will have to wait a good number of years because trees are long-lived species.

Mr Wildman: It would be interesting to know how many are growing after five years.

Mr Hillier: Yes. Now, if we look at some of these areas, these are the first- and second-year survival assessments. They may help answer your question. For survival assessments done in those years, our survival rate has consistently been above 85 per cent for our plantations.

Two reasons for this are that there has been a change in how we plant trees and the stock that we now get from nurseries is much more improved. In the Temagami area, we use a seed called a paper-pot seedling, which I am sure you are familiar with. There is a plug of dirt around that seedling. When it goes into the ground it does not suffer from something we call out-

planting shock, whereas a bare-root seedling has the roots exposed and when you plant it in the ground it does not have that nice plug of dirt to protect the roots. So by going to this type of technology, although it is not perfect, it has helped increase survival rates since the 1970s.

Mr Wildman: This is on plantations, though. You do not include in this graph the areas treated by modified cut.

Mr Hillier: No, this is just on the plantations.

The Chair: Is this on red and white pine?

Mr Hillier: This is all species.

Mr Wildman: So we do not know what the red and white pine success rate is.

Mr Hillier: I can give you an idea of the long-term, what we call free-to-grow assessments on some of the earlier work, but keep in mind that, again, with the program growing in 1984, we are just at the five-year period. We normally do free-to-grow at five to seven, so we are not into a lot of free-to-grow assessments, but to give you an idea of some of the earlier work, what has gone into free-to-grow—and this is not complete for the area; we still have some more free-to-grow yet to do and we are behind on it, I will admit that—for jack pine, 197 hectares were assessed; 21 went into one-to-five age class. The remainder still requires some form of treatment before it goes to free-to-grow.

Free-to-grow means that the trees on the plantation must meet a minimum height criterion, must be free from competition and must meet a minimum stocking. In a lot of the cases, if it has been overshadowed by, say, poplar or birch competition, then it will not get free-to-grow status. It will have to be treated through a tending program, much like a farmer has to weed his fields or whatever. It does not mean these are failures; it just means they are going to need more treatment before they can be classified free-to-grow.

In white pine, 47 were done and none of it has gone into free-to-grow status yet. That is for the Temagami management unit. Very quickly, I have one for the Latchford management unit. In total, it is about 326; 71 are in a free-to-grow status.

Mr Wildman: If we could, which we can, hypothetically, if you were to include all areas for the success rate for red and white pine, the line would be considerably lower than the one you have shown us here.

Mr Fleet: What do you mean by success rate?

Mr Wildman: That they are actually growing.

Mr Fleet: Maybe I misunderstood. I thought we were talking about the degree of work you have to do to assist them, rather than whether they are alive or dead.

Mr Hillier: Yes. It gets awfully confusing awfully fast, I will grant that, but this demonstrates free-to-grow. If I can put this other slide back up, this is the success, or survival; how many of those trees that we have planted have actually survived. What that means is that when we plant the trees we would put a little plot in there. We actually put little pins in the ground beside the tree that we have planted. Then in years 1 and 2 we go back and we look at those trees and see which trees have died and which ones have lived. Based on that, you calculate a percentage of how much has survived in your plantation.

Mr Fleet: If I understood Mr Wildman's questions, he was trying to figure out what the success would be for white and red pine.

Mr Wildman: Not just in planted areas but in areas where they have treated by modified cut. It would be considerably lower than this, I suspect.

Mr Hillier: When you do a modified harvest, you would not do a survival assessment; that is something we only do in plantation. What we would do in a modified harvest is a free-to-grow type of assessment. As I say, they are not at the age yet where they are a candidate for a free-to-grow assessment, but on your question of white and red pine, I think you would find that the red pine is actually quite high but with the white pine there are some problem areas from the early work done.

Mr Pouliot: How does your plantation success rate in Temagami compare with other parts of the province?

Mr Hillier: It is probably similar. I could be wrong, but I think the average is around 80 per cent or greater for that type of success rate.

Mr Miller: Did you say 80 per cent?

Mr Hillier: I believe so, but I could be wrong.

Mr Miller: It would depend on other things, would it not? Last year, with the drought, it would be much lower in southern Ontario.

Mr Hillier: Yes. If you have a bad season where you have very little rainfall, your survival can be affected, but again, keep in mind there is that little plug of soil we use with container stock which helps that tree get through those periods.

Mr Pouliot: Since we are at the translation stage, I want to be very careful here. Your chart says it is about 96 per cent there. You have

indicated verbally that this is somewhat identical compared with the reforestation program, the plantation success rate, across the province. Would I be right, therefore, in assuming that for every 100 trees that you plant in the province, your success rate is 96 per cent?

1620

Mr Hillier: After the first and second year. It will go down over time. That is only two years after planting.

The Chair: That is why I think using the free-to-grow is—

Mr Hillier: That is exactly why we use free-to-grow.

The Chair: Let's move on.

Mr Pouliot: Those are important points.

Mr Wildman: I have to understand these figures. How does your plantation area compare with your cutover area? How much are you planting compared to what you are cutting?

Mr Hillier: If you look at the period 1984 to 1989, this black line represents the average area being cut. The green represents the planting. In the last two years, we have actually planted more in these conifers than what we have cut.

Mr Wildman: If you look at the whole decade, then what would your chart look like? The reason I ask that is that this chart does deal with the whole decade.

Mr Hillier: This is what it looks like for the early part of the decade; well below the average. That average bar of 682 there is the same here, 682. The difference in why those numbers are high but you do not see it in the area is that less area is being treated here.

Mr Wildman: All right, that is significant.

The Chair: You did say that free-to-grow in that would be at five and seven years, right?

Mr Hillier: Right; usually.

Very quickly, this slide is to demonstrate some of the increases in one part of our mandate in the tree planting program. This is what it looked like on one slide for 1984, which may help Mr Wildman understand your question, and then from 1984 on. We are looking at a level of about 2.3 million as the increase for 1990, which would be up around here.

I want to talk a little bit about our timber management plans. The first plans in the Temagami area were prepared in the late 1950s and the early 1960s. Back then, they did not involve any public consultation whatsoever, they were just written by the forester and implemented.

The present plans that we are dealing with right now cover the period of a management plan which covers 1980 to 2000 and then an operating plan which covers the period 1980 to 1990. Because of some of the changes that are coming on as a result of the class environmental assessment, all our plans expire this 31 March.

There was some public involvement in these plans, and that involved a public review of the plan document. As well, on two occasions, in 1985 and 1986, we had public reviews and met with a lot of the interest groups in the area to get their views and inputs into what we call areas of concern. These are areas which may contain values of interest to other users or other resource values such as moose habitat or a canoe route or whatever. Based on that, strategies were put in place to deal with this.

Again, these plans presently cover two management units, the Temagami and the Latchford units, which the Temagami district looks after. We are now preparing interim timber management plans to cover the period 1990 to 1992. Following that, we will have longer-term timber management plans which will be developed under a comprehensive planning program and these will cover the period from 1992 to 2012. That should be 1992 on your handout.

I will talk briefly about our interim timber management plans. If anybody is looking at these plans to solve all the problems in the district, they will not do that. They are to act as a bridging plan until 1992. Hopefully, the longer-term plans under comprehensive planning will get to that bigger question.

One of the key differences in the interim timber management plans was that we had the involvement of the Temagami Advisory Council. This is a group of private citizens in the Temagami area who will be directing the planning process and overseeing what MNR is attempting to do with its timber management plans.

Another reason why it only covers a two-year interim period is that this buys time for the other programs in our districts, such as outdoor recreation, fish and wildlife, to collect some needed data to assist them in developing their plans under the long-term comprehensive planning program.

In this planning program, in addition to when the Temagami Advisory Council calls for public meetings, which usually occur monthly, there are four formal public involvement opportunities at key stages in the development of the plan,

which is considerably more than any other plan ever developed in the Temagami area.

Some of the key thrusts of this plan are, first, dispersal of the clear-cut. By that what we mean is that instead of having large clear-cuts—and by the way, Temagami does not have large clear-cuts as you might envision, say, in northwestern Ontario—but to make the clear-cuts smaller. That seems to be what a lot of the public would like to see, smaller clear-cuts.

Keep in mind we have to try to find a balance, because if you try to make your clear-cuts smaller, it means you disperse your cut over your management unit. That means you require more access roads to access that area initially and that creates another problem for MNR in that there are many interest groups who oppose logging roads, obviously.

Mr Campbell: What is the size of clear-cut proposed?

Mr Hillier: Generally in the range of about 100 hectares. These will not be final until the timber management plan is finalized on 31 March, so they are subject to change, but in the range of 100 to 200 hectares in that area.

Mr Campbell: And how many would you have in there?

Mr Hillier: In some cases we have had clear-cuts which occurred over a sequence of five-year periods, say, that are in excess of 2,000 hectares.

Mr Campbell: Would that cover the area that you talked about earlier, the 26,000 hectares?

Mr Hillier: No. If I move to my next point here, shelter wood of white pine, the area we talked about, the old white pine stands, some of the reaction we are getting from the public is that they do not like clear-cutting. There is one technique that can be used for the white pine called a shelter wood harvest where we would go in and roughly, in layman's terms, take one tree out and leave one tree standing, roughly 50 per cent. Then you would secure the regeneration over, say, a 20- to 30-year period, followed by a return harvest maybe 30 to 40 years later to remove the other crop. So you have a two-crop thing where you turn it over over time as a harvesting plan.

Mr Campbell: Is that similar to the Finnish system of checkerboarding?

Mr Hillier: No, that would be different. In the checkerboard system what you would do is, like a checkerboard pattern, you would cut one little block, leave one and cut the next one, but you would clear-cut in the little blocks. In a shelter

wood system we are not clear-cutting, we are only taking half the trees out and leaving half standing, so you always have a forest on that site at any one point in time.

Mr Campbell: Would you pick the trees sort of at random or ones that would be—

Mr Hillier: No. What we would do is go in and mark the trees prior to harvest. We have different criteria. We have to monitor the harvesting, and it will vary according to the site conditions, but the MNR would specifically mark which trees would be left on the site and the industry would cut the other ones.

Mr McGuigan: You mentioned a system where you cut out, say, half the number of pine trees. We heard last week that the regeneration in that instance would not be pine because you have to have the fire and level other things and bring it back. Would the generation in your case be pine?

Mr Hillier: In that case, again, you have to be very selective of the site you pick, but it has worked in other areas. We used to do shelter wood harvesting on an area of our district in the 1960s until it was burned by a wildfire in 1977 and it was working, but on certain sites, if you open it up too much, you may sprout some of the hardwood to come back on the site and then you have to be prepared to tend it.

Another thing is that white pine needs a mineral soil exposure. Naturally it gets it by wildfire, but you can also create mineral soil disturbance by just the machine you are working around skidding logs, which will stir some of that mineral soil up, or we are prepared if need be to go in and do some mechanical site preparation to get that disturbance.

In some cases, and this would have to be very selective, depending on the values in the area, we can also consider a prescribed burn as a follow-up treatment to prepare the site where we are reasonably sure that it will not get out of control and destroy any values.

So there are techniques we can use to get the white pine back. I think in today's society though, we cannot count on wildfire any more, just because of the threat to human life and property. You are quite correct, wildfire is very important in maintaining pine naturally.

1630

Hon Mrs McLeod: If I could add something that may be part of Mr McGuigan's question, we can talk about regeneration of white pine in the areas where there is some harvesting taking place, and I think that is the issue that Brian was just addressing, what ways it can be possible to

have regeneration of red and white pine in harvested areas.

The other question I have heard raised a number of times is whether a regeneration of a white and red pine forest will take place naturally where there is no harvesting. This is a concern that may not be directly related to the question of harvesting but is very much related to the question of the preservation of the old pine forests in the areas we have set aside for preservation.

I think some of the studies that are being done are increasingly indicating that we need to be very conscious of the way in which we manage the areas where there is no logging, because historically and with nature's ecosystems it is fire that would have been instrumental in regeneration.

Mr McGuigan: That is what we heard last week.

Hon Mrs McLeod: They are two quite different questions, one being regeneration in a harvested area and the other being regeneration in wilderness areas, which is also a very important issue.

Mr Wildman: Can you select-cut using mechanical skidders as opposed to horse skidding?

Mr Hillier: Can we select-cut with horses? Is that your question?

Mr Wildman: I know you can with horses, my question is, can you do it with a mechanical skidder or are you going to knock down trees with the skidder that you are not cutting?

Mr Hillier: They have done it in Algonquin Park successfully. You pick your machinery appropriately for the area and then you control the guy on the skidder. I think the biggest problem does not come with the use of the equipment but the person operating the piece of equipment. That is where training effort has to be directed if we are to successfully get to these types of harvesting.

Mr Wildman: The contractors.

Mr Hillier: Yes. I am not saying this is perfect and I am not going to say all of these changes are going to occur in 1990. We will have to work to educate the industry to log in such a sensitive manner.

Mr Pouliot: Old Kenny will fix it.

Mr Hillier: For your information, Ken Buchanan does not cut in our district.

Interjection: He will, he will.

Mr Hillier: Not yet.

Interjections.

Mr Pouliot: A contractor of confidence, that is all I am mentioning. No malice intended. We have immunity; you do not.

Interjection.

Mr Hillier: I will say a little bit about our comprehensive planning program. What we are attempting to do here in the Ministry of Natural Resources is—this comprehensive planning program is not that dissimilar from what Mr Benson and the Teme-Augama Anishnabai propose with their holistic planning except that we do not have ideal knowledge of how everything interacts in the forest. We wish we did, but who has perfect knowledge of everything?

Mr Wildman: They said they did not need it.

Mr Hillier: Exactly, so he can no more implement it than we in MNR can. However, it does, and very nicely, put forward an ideal to strive towards.

MNR announced its comprehensive planning program last spring. In this program there will be a common planning schedule for all resource plans. That allows for all plans to proceed on common checkpoints. Timber management plans are only one component. There will be plans developed for fisheries, wildlife parks, recreation, etc, and as they occur on a common planning schedule, there will be a better integration of decisions. Because all your plans are occurring on common schedules, you can integrate your decision-making.

Again, TAC has a very key role in the development of these plans and overseeing the process. Again, there are formal public involvement opportunities, five in this case.

The very broad objectives include sustainable economic use of resources, protection of the natural environment and a key role for all citizens. More quantifiable objectives for the Temagami area are proposed to be developed through the comprehensive planning program, using the Temagami Advisory Council as the key group in that, plus the public involvement in that.

We hope that through this planning process we will wrestle with questions such as how much area and old growth should be set aside and protected, how much area for this use, how much for that use.

There are two ways to do it. We could set those types of decisions up front, and probably be severely criticized for doing that, or we could try to develop with the public's participation through this process and hope that it assists us in

developing that. The bottom line is that all interest groups should get involved. If we are ever going to resolve some of the conflicts in Temagami, we had better start to sit around the table and start to work together.

Mr Pouliot: They get involved and you are hauling them away.

The Chair: Are you saying you want more interest groups in Temagami?

Mr Hillier: As long as they are not being chained to bulldozers, yes.

Mr Pouliot: Some of them are getting involved.

Mr Hillier: Very quickly, I will just throw up this slide. One of our members had a question on where this wood is going. It is very hard to say specifically because it varies over the year according to market conditions. This is a snapshot for 1987-88, a very bad year for William Milne and Sons obviously, but at 39 per cent, and you can see, in answer to your question on Consolidated Bathurst, that they received 10 per cent during that particular year.

Interjection.

Mr Hillier: Those are cubic metres.

Mr McGuigan: I have another economic question. What is the white pine used for? Do they make windows out of it, furniture? What do we use it for?

Mr Hillier: It is highly prized lumber. It has a low shrinkage capability so it is used a lot, as you mentioned, in windows. It is used a lot in some white pine furniture that you see, building lumber, that type of stuff. Also, in the case of Milne, it produces panelling that you would put on your rec room, tongue-and-groove type panelling. They produce that at Milne as well and sell it in the marketplace. It is a variety of products.

Mr McGuigan: So it is used for high-class lumber products.

Mr Hillier: High-class lumber products.

The Chair: World-class.

Mr Hillier: Yes, most of it.

Mr McGuigan: Do you know what a log is worth?

Mr Hillier: What a white pine log is worth? I will attempt to give you a ballpark figure.

Mr McGuigan: A tree.

Mr Hillier: Okay, a tree. Probably what a contractor would get for white pine—I am going to have to throw a few numbers out, which might get confusing—is, I guess, between \$28 and \$31

per cubic metre. Let's say we had a 24-inch white pine tree. That usually has a volume of about 2.8 cubic metres in it, so that gives you a value of that tree between \$78 and \$87 per tree delivered at the mill.

I am no expert in logging so you may want to confirm my guess with the forest industry rep, but the key point is that tree goes into a mill and it produces lumber. There is value added when they produce lumber as it comes out of the mill. This creates jobs. I could not hesitate to give you a guess on how much income tax or whatever generates from the log.

Mr McGuigan: I was on a hardwood forest tour a couple years ago in southern Ontario and I pointed out, I think, an oak tree. I asked a fellow, "What's that tree worth?" He said \$700. Is oak worth that much more than pine?

Mr Hillier: Yes. The same for oak and yellow birch. Those are high-value veneer logs and they are worth, as you mentioned, that amount for a very, very high quality log. I am just trying to give you an average ballpark figure and you can get more for a higher-value white pine log too.

Mr McGuigan: That very high-value would be veneer.

Mr Hillier: That is correct.

In the interest of time, that concludes my presentation.

Mr Tough: If we might just get the committee's indulgence for another few moments, we are quite conscious of the five-o'clock deadline, but we have with us Ken Koski, who is our fish and wildlife management officer. I would like him to make a few points on the wildlife trends in the area, partly because there was a reference in the Benson report and there was some discussion of those trends in front of your committee.

The Chair: Is he going to deal with all the questions that were in Mr Benson's report?

Mr Koski: A number of them. I would just like to highlight a few key points from my presentation, again to speed up the procedure here.

We have tabled a number of standards and guidelines that govern how we manage wildlife in the province in general and specifically in the Temagami district. I would like to key my presentation on the specific habitat requirements of a number of wildlife species and how those habitat requirements have been affected beneficially, by and large, by the timber management activities in Temagami district.

Habitat management is important primarily because it provides for basic animal needs, important because it occurs on the same land base as forest management activities and also very important because it can benefit wildlife by improving habitat.

Just a few specific items here on population trends in Temagami district, specifically populations that we manage: Midwinter aerial moose population inventories have shown more than a 100 per cent increase in moose populations from 1978 to 1986 in wildlife management unit 40, which is the unit that we administer in Temagami district. This management unit includes the Red Squirrel-Pinetorch area and also the Delhi township area.

Mr Wildman: Do moose go up when there is more cutting?

Mr Koski: Yes, generally it has been. There is a very positive relationship between age of cutover and moose population densities.

Mr Wildman: It is easier to see the moose if there is no tree.

Mr Koski: Again, you have to remember that the size of the cutovers limits visibility as well. Most of our cutovers are very small and they are also limited by topography, so we do not get this real problem with moose being very visible to hunters.

Speaking specifically to what has happened to moose populations in the Red Squirrel-Pinetorch area, in our 1986 survey the moose population density in cutover portions of Acadia and Selby townships was 0.32 moose per square kilometre. This can be compared with adjacent uncut areas where the densities have averaged about 0.16 moose per square kilometre.

In the Armagh-Delhi township areas, moose populations have not been negatively affected by timber-harvesting activities. In fact, the average moose population densities there have remained at around 0.4 moose per square kilometre. That area has traditionally been a high-density area.

Turning to some of the fur-bearing species, timber-harvesting activities usually result in a greatly improved habitat for beaver, which is the primary fur-bearing species harvested in Temagami district. This is because of the dramatic increase in some of the preferred food species for beaver.

Mr Wildman: Poplar.

Mr Koski: Not only poplar but other species as well. This results in beaver population increase as well, quite frequently.

This slide deals specifically with what has happened in some areas of the district. When we compared areas where logging activity has taken place with areas where logging activity has not taken place in the recent past, on registered trap lines the trend has been for beaver populations and harvest to be much higher in logged areas than in unlogged areas. A similar pattern has also been found for trap lines administered by the Bear Island trapping co-operative in the trapping area, the Teme-Augama Anishnabai area.

Touching briefly on another fur-bearing species, the trend has been for marten populations, district-wide, to increase dramatically from 1985 to 1988, and this is regardless of whether logging activity has taken place or not. So this is just a general increase in population district-wide.

Mr Wildman: Why would that be?

Mr Koski: We are not quite sure, but the marten have been moving into our area from the south for the last five to seven years, and the population has been just dramatically increasing.

Mr Pouliot: Could the same thing be said for the lynx population over the last five to seven years?

Mr Koski: The situation with lynx is that they follow a natural population cycle. Lynx populations have been on the low side of their cycle now for about four or five years, to the extent that we have not had any lynx harvested for about four years in Temagami district.

Mr Pouliot: Hence the quota of only one per trap line.

Mr Koski: Correct. And our harvest is traditionally very low; it averages about 20 in years when the population is high.

Mr Tough: If there are no questions of Mr Koski, could we go on very briefly to Dave Wray, who is the manager of the timber management planning section in our forest management resources group? I have asked him to speak for just a few moments on a couple of key issues that were raised in the Benson report and are very important to us as well, in particular the commentary about sustained yield.

Mr Wildman: We had a rather interesting flight down here together.

Mr Wray: Yes. Hopefully, it will result in a flight back too. I am not too sure, though.

Just briefly, Professor Benson mentioned sustained yield, particularly the definition in the Crown Timber Act, and suggested that the way it is being practised in Temagami is contrary to the definition in the Crown Timber Act. Just to refresh everybody's memory, the definition is

"the growth of timber that a forest can produce and that can be cut to achieve a continuous balance between the growth of timber and the timber cut." The point there is the balance between growth and cut.

The ideal representation, one which Mr Benson illustrated in his report, is where the growing stock remains static, growth is even year after year and the cut equals that. I suggest that is the ideal, but the actual situation in fact is not quite as static as that. The growing stock varies over time. It has varied throughout history and will vary during the period that we are preparing our plans for and on into the future. In direct relation to the amount of growing stock that is available, the growth will vary up and down and in any particular area the rate of depletion will vary up and down. For any planning area it will at times exceed the amount that is the growth rate. Other times it will be less.

Generally, when we find ourselves in a situation when we have an overabundance of old timber, that is because the rate of depletion has been less than the rate of growth in the past. In terms of an interpretation of that definition, we do not interpret sustained yield to mean a constant, even flow on every management unit in every species and every product throughout time. Rather, we tend over a period of time generally to have a balance between growth and cut. That is the reason why you will see variations if you pick a certain species and a certain management unit.

One of the pages extracted from Professor Benson's report—and this leads up to a figure that I would like to show you, figure 16—says, "Note that the sustainable yield method will produce lower yields"—sustainable yield is the method that Professor Benson is promoting—"than the OMNR method for 95 years. After that time it will be higher than the OMNR determination." He then suggests that, "There is a temptation to use the OMNR method and harvest the larger amount now in order to make a quick profit."

Mr Wildman: That is page 64.

Mr Wray: Yes, it is.

If we look at the graph to which he is referring, which is figure 16, I admit there is a temptation. However, I do not think that 95 years of additional volume being available is succumbing to a temptation of quick profit. If you carry this on out further, you see that the method and the calculation is in excess of his sustainable yield method for 95 years and it is less for 20 years. If you had carried this out to the rotation that he suggested in his report, you would find that from this point on they are exactly the same.

Mr Pouliot: With respect, this was 20 years ago and therefore there is no credibility or very little.

Mr Wray: Pardon me?

Mr Pouliot: This kind of assessment was presented to another committee, the same committee some 20 years back, and this is why the credibility has suffered so much, so that you have to justify every bit. I mean your projection of 115 years.

Mr Wray: Yes.

Mr Pouliot: We all know what has happened to those figures. It has been mismanaged. That is why you are falling behind.

1650

Mr Wray: With respect, the average-age method of calculating maximum allowable depletion started with the advent of the forest management agreements. Prior to that there was some acceleration factor applied, but not the same method of calculation.

Mr Wildman: That is what Baskerville said.

Mr Fleet: Could we just back up here for one second? I thought I understood the point of the presentation. In all honesty, I got totally lost at the point of the questions from the members, and I would like to understand what their point was.

The Chair: Are you sure?

Mr Fleet: Well, if it is possible, I would like to.

The Chair: I am not sure we want to get into a debate.

Mr Wildman: Essentially, the Crown Timber Act's sustained yield is what was supposed to have been done by MNR for a long time, and the fact is that we have not regenerated nearly what we have cut in the forest.

Mr Pouliot: And consequently you go as far as 200 miles to get a truck of wood. So obviously—

Mr Fleet: I would like to relate it to what we have been presented. As I understand it—correct me if I am wrong—you are saying, in effect, that Benson picked the low point in a cycle.

Mr Wray: He suggested that we were in fact not practising sustainable yield because on in the future we went below what could be characterized as an even flow, that because of that dip here, we were not practising sustained yield management.

Mr Fleet: And you are telling me that if you extend that out further it comes back up?

Mr Wray: If you extended this out and we ran this through with the same model that he has been using in this, they will be exactly the same after that point in time. I guess the point here is that we do not disagree with the concept of sustained yield. It is how you get there and what the sustainable level is. If you are currently cutting at this level and can sustain it for a period of time and then have to reduce, in that species in this management unit, to another level, then that may be the direction that has to be taken. But it is limited in this case to the management units that are being discussed and the white pine species.

Eventually, as the areas that are harvested here are regenerated and come back into production, you will probably see the MNR method start to increase again. Eventually, as the forest is normalized and you end up with an exactly even distribution of age classes, then we will get more of an even flow.

Mr McGuigan: Where does our control of forest fires enter into this? We are comparing this to the pristine "leave it all to nature" state and it only provides so many cubic feet of growth a year. If we entered in and stopped the forest fires, where does that enter into the sustained yield?

Mr Wray: If I can take just one moment, I can show you very quickly. Where we have a forest that generally has an old distribution of ages, a lot of area in the older age classes, the cut will be accelerated because of that. If, on the other hand, we have a forest that has generally young age classes, this average-age calculation will decelerate the cut as compared to the normal harvest which Professor Benson has proposed. If you had an even distribution of age classes, and these two would be added together in the calculation, the method that we use in MNR to calculate it would give you exactly the same results as what Professor Benson has.

Mr Wildman: It is an unhappy coincidence that besides meaning maximum allowable depletion, MAD is also used by the armed forces as mutually assured destruction.

Mr Wray: Unfortunate perhaps, from our standpoint, in terms of people's understanding.

Just in terms of the last old pine stands, this is from the old-pine report. This illustrates the distribution of old pine stands in Ontario where the areas that are the most heavily shaded have more than 1,000 hectares of old pine stands within a township. You can see that they extend from the lower Ottawa Valley to northwestern Ontario. The reason for 121-plus is not because it is a rotation age—the Algonquin region, for example, uses 140-year rotation—it is because

our inventories only recognized to 121 years. Anything older than that was just lumped into one category at the time of inventory.

Mr Wildman: Do you have any figures or definitions of where trees 250 years or more in age are, as opposed to 120?

Mr Wray: Not from our inventory, no.

Mr Wildman: So we do not know? One of the professors who was with us last week said that essentially there are only two stands in that category, the Temagami stand and one near Quetico Provincial Park.

Mr Wray: From my own personal experience I have to disagree. I worked for a number of years as a forester in Algonquin Provincial Park and I was familiar with a number of natural zones that were established in Algonquin Park, particularly to preserve old white pine, and this is considerably older than 121 years. There have been masters' theses written by University of Toronto students talking about the Crow River white pine.

Mr Wildman: To be fair to him, I think he was talking about areas outside of a park.

Mr Wray: I am not sure about the context.

Mr Wildman: He said just outside of Quetico and just outside Lady Evelyn-Smoothwater park were the only two stands he knew of outside parks.

Mr Fleet: I am asking the obvious, I suppose, but is there not somewhere a record or an estimation of where you have measurable stands of old white pine in the province?

Mr Wray: Brian, you were more familiar with the old pine survey, perhaps you could answer that.

Mr Hillier: It was basically a first stab at trying to identify the old pine. You can ask various people, "What constitutes an old-growth pine stand?" and you will come up with various answers. It has been a recent issue brought to Ontario which stems from the Pacific Northwest area of North America.

An old growth basically looks at a two-canopy structure in the forest, an overstorey and an understorey, dead standing trees, which they call snags, a diversity of species coming up in the understorey and usually large old trees in a mixture in that stand. Those are very site-specific criteria, and if you are ever going to define your old growth, it is going to require a lot of field work to come up with which stands are old growth. But before you can do that you must have an acceptable definition of what constitutes

old growth or else we are just shooting in the dark.

Mr Wildman: That is why I gave you the figure 250.

Mr Hillier: Yes; 250 years may be old growth in one particular situation but it may not be in another. From the work that has gone on in the Pacific Northwest, it can vary with age. It does not necessarily mean it is going to be a virgin stand either. It could have been logged in the past too. So it is a very nebulous term. I think MNR is trying to get at that question through its symposium that it is having with the University of Toronto, hopefully to get some of the leading minds on old growth together to help us come up with a definition to start on this work.

Mr Fleet: Is that a long answer to say no?

Mr Hillier: That is a long answer to say we have more work in that area.

Mr Wildman: You would make a great minister.

Mr Wray: In the interests of time, I would like to end the presentation there.

The Chair: Okay. Mr Tough, back to you.

Mr Tough: We have had some questions, and I know that the staff is quite prepared to answer any more that may arise from around the table.

The Chair: Do you want to wait until after the questions or do you want to say something now, Minister?

Hon Mrs McLeod: Perhaps just a word now and then. I think we should get into the questions.

I guess the tenor of our presentation today is really to engage in a discussion about what is happening in Temagami and what some of the questions are. I think if the staff have made their presentation, it is quite clear that there is a lot of ongoing research that is being done, not only in the Temagami area but in other forest management areas across the province. There is continually new learning, and the area of old pine growth is one of those areas of both new research and new learning.

Brian mentioned the complexity of arriving at a definition of the old-pine-growth areas and that we are having a symposium which would bring scientific experts together to attempt to wrestle with this question of definition. What perhaps people are already aware of is that one of the studies that is to inform that symposium is the study that the Ministry of Natural Resources has undertaken through Dr Bob Day of Lakehead University, who has done the studies of the old pine growth in the Quetico area and who has been

asked to do similar studies of old pine growth in the Temagami area.

The Benson report itself was very much the product of the Ministry of Natural Resources' interest in having our forestry practices examined with as critical and as objective an eye as possible, and also with a view to having the various people who have a particular interest in the Temagami area very directly involved in decisions we make about any further harvesting and timber management in that area. As the deputy was indicating, that is why, wanting to encourage the Teme-Augama band to participate in discussions about timber management, we supported financially the employment of Mr Benson as a consultant to look at timber management practices and provide that base of information for the Teme-Augama band.

1700

So I think that the context in which we base this presentation is to really examine the questions of Temagami forest management. If we want to talk about the questions of forest management more generally, then we can have reference to the class environmental assessment. Ultimately, the recommendations of that assessment will be incorporated into a new timber production policy which I think will raise many of the questions that are being raised around the table about Temagami, because the values in forest management do change over time.

I just want to mention one very specific thing, and that is that we are sincerely looking at the harvesting practices in the Temagami area based upon both our desire to respond to different values and interests in the Temagami area and the research that is being continuously carried out. In fact, last Friday, in looking at work approval plans for the Goulard Road area, there was a revision to those work approval plans recommended to the Temagami Advisory Council. Quite clearly, we have made a commitment that any harvesting that takes place in Temagami will not occur until after there has been a full review by the Temagami Advisory Council.

I can only indicate that that is a recommendation that has been made by the ministry to the council, but that revision we have suggested is to set aside a further area of what we believe may be defined as a sensitive area, particularly in relationship to old pine growth, until those studies can be completed and a symposium held.

The Chair: Thank you. I have just one question to start things off, Mr Tough. On page 40 of Professor Benson's report, he says a couple of things, "Failure to implement management

plans is a result of little public pressure on our politicians to ensure that the land is managed as planned and managed for sustainable development," and he talks about all the people being in the south and the forest being in the north. He goes on to state further down, "We have had 42 years of recognized poor forest management."

Then he says that critical reviews such as Armson, Benson and Baskerville "are countered by yearly reports providing little or no information on whether the forest is being managed under sustainable management, but extol current management. Even an interested public relying on government publications would be confused as to how the forest is being managed."

One of the things that has bothered me for a long time is how the public can get to understand the forests in Ontario and how they are being managed. If you are a lay person, I defy you to cope with the numbers and the language coming out of the Ministry of Natural Resources. I wonder if there has been any work done or whether any work is being done to make it intelligible to people who have such a big stake in our forests.

Mr Tough: If I might comment very briefly, and perhaps the minister and others will have views, I think that is a fair point. Try as we might, so far we have encountered—today's session is no different; this is not simple stuff.

Having said that, however, I think it really is incumbent upon us to improve the degree to which we inform and consult. In fact, it is one of our major strategic directions in our ministry to improve that component.

One of the ways to do that is to have the kind of public demand for public involvement. I think the Temagami Advisory Council is on the leading edge of that kind of initiative. They are demanding, on behalf of the public, a clear exposition of not only what we have done in the past but what we intend to do in the future. We take that as one of our major challenges and those of you who are following the environmental assessment in Thunder Bay—I think it is now some 20,000 words of transcript—will recognize that it is a complex subject and there is a great deal of information that needs to get out.

We think we are doing better than we did in the past and we think we are going to have to do even better as we explain these things. One of the ways to do it, of course, is to have people like Professor Benson going at us, examining what we are doing, criticizing what we are doing and having us respond in a way that we hope is responsive to the points he made and is in terms

that the public can understand. Again, we recognize that we have a long way to go on this, but we are trying as hard as we can.

The Chair: Mr Wildman has a question. There is a bell and a vote at 5:55, so we have until about five to six.

Mr Wildman: I have a number of questions. First I want to thank the ministry staff and the minister for their presentation today. I think it was very useful and easier to follow than what we had last week, frankly, although the report itself is very informative and raises a lot of questions. I have read the whole report.

First, just to clarify something, I would like to ask the minister a question in regard to comments by her that I heard on CBC radio. I am not sure when it was taped, but it was on yesterday morning. It was an interview with Martin Chapman of the CBC. One of the comments the minister made was,

"One of the difficulties, certainly, that I have as Minister of Natural Resources is recognizing that there have been commitments that have been made to lumber companies in the area, that we cannot simply resolve this problem by turning our backs on those commitments."

Before I go on with questions to the staff, could the minister clarify what commitments she is referring to? As I understand it, in the area of the Goulard Road and the Red Squirrel Road, the only licence is the Goulard licence.

Hon Mrs McLeod: Let's recognize that from the point of view of binding commitments to the terms and conditions of a licence, any licences that are involved in the Temagami area expire on 31 March, would have to be renewed on 1 April and are subject, obviously, to independent decision on the part of the ministry and the minister at that time. So yes, there can be changes made in licences and there are revisions continually made to licences, depending upon the availability of wood.

When I speak about commitments, though, I think we also have to recognize that there is a commitment involved over a period since the 1920s as the lumbering industry has grown up in communities that surround the Temagami area. I consider that to be a commitment and one which we simply cannot ignore as we look at the interests of different users in the Temagami area. It is that broad commitment that I was speaking of in that interview.

Mr Wildman: I thought it might be.

On page 87 of the Benson report, the authors say:

"The increasing demand by the various users of the limited resources of N'Daki Menan"—in other words, the land claim area—"cannot be met by further depletion of that resource by overallocating it to one user. In the case of white pine, the OMNR allowable cuts will only decrease the amount of this resource, to provide for short-term gain to a few, at the expense of the other human and wildlife users of the forest."

Does anybody wish to comment on that conclusion by the professors from Lakehead who did the study?

The Chair: Can you direct the question to anybody?

Mr Wildman: I direct it to anyone who wishes to answer.

Hon Mrs McLeod: I think what you are asking, in very direct language, is, how much wood is there and how long can the lumbering industry be sustained at current levels of harvest? That is a question that Mr Benson is addressing in the particular quote you have raised. I think it can come back to that whole discussion about sustained yield, but I think probably the answer you are looking for is to that basic question that is asked, is there wood for two, 10, 20 or 80 years, and is it jack pine and spruce or white pine and red pine?

Mr Wildman: To be fair, it is more than that. That is certainly one important aspect, but Professor Benson and his colleagues are bringing into it the other users: the canoeists, recreationists, the tourist industry and the animals that have the area as a habitat. If the trees are cut, even if new trees are grown, then the habitat is changed.

Hon Mrs McLeod: Just before I ask the ministry people to respond in some specific ways, I think Mr Benson is talking in one section of his report about whether current levels of harvest can be maintained to support the lumbering industry as it currently exists. Mr Benson at no point suggests that the Temagami area cannot support multiple use, including logging. He is raising questions of how much logging is supportable in the long term, hand in hand with multiple uses of the Temagami forest.

1710

Mr Wildman: That is certainly true.

Hon Mrs McLeod: I think that puts it into the context of recognizing our interest in comprehensive planning and in responding to all the users, including the recreational users, people interested in wilderness experiences and what is really an emerging value, perhaps more strongly than ever

before, which is natural heritage areas, which is the old-time value. That is the focus that we have and I think we are looking for that kind of balance.

Then Mr Benson, in his report, raises some specific questions about how large a harvest there can be for logging purposes that is still compatible with multiple use, including wildlife or pine growth and wilderness.

Mr Wildman: That is why the controversy over his definition of sustained yield is significant. I do not know if you want to add anything.

Mr Tough: Might I just add a couple of points? I certainly acknowledge Professor Benson's right to an opinion and I can understand where that comes from. I guess we have here a case of moving equilibrium.

In May 1988 some decisions were taken which in fact greatly enhanced the opportunities, for example, for canoeing interests in the area: the creation of the waterway parks; the creation, therefore, of large buffer zones around those waterway parks; the taking out of a number of conflicting uses of the wilderness park. I guess what we have trying to do, as we have all been saying, is develop some sort of balance between the various interests and not to disadvantage one group over another.

I think that, depending on the time of day, you have to decide which group is being disadvantaged. The forest sector would say that it has witnessed a series of accommodations in the 1980s which have progressively restricted its harvest potential, including for example, Liskeard Lumber, which used to have an allocation in the Lady Evelyn-Smoothwater Provincial Park. They were excluded from that park as part of the park planning process and were promised allocations south of the park, which are now under pressure for a variety of reasons. So it has been a moving target and it is not clear to me which group is in fact now being pressured.

I guess the other part of the comment I think we do take quite seriously is the reference in the report, "at the expense of...wildlife users of the forest." We know that it is in the report that he takes that position, but you have heard Mr Koski take an opposite view. We think that is a question where there ought to be a degree of peer review back and forth and some reconciliation of the view, because in some of those cases it is a matter of opinion; in other cases, it is a matter of fact.

We are very anxious to get those issues on and off the table when they involve issues of fact, because it is quite troublesome to see repeated the

notion that the forest activity is doing irreparable harm to the wildlife habitat and therefore the wildlife population in the area. That is contrary to our desires and contrary to our analysis and experience.

Mr Wildman: He says that the types of species change, of course, just as the types of trees change. He is arguing that certain species can survive only in old-growth areas.

I wonder if we could deal with fact. Do you concur with his assessment that success rates in regenerating white and red pine are in the neighbourhood of three and 13 per cent?

Mr Hillier: Do you have the page number on that?

Mr Wildman: I do not know the exact page reference, but I think it is in the neighbourhood of page 11.

Mr McGuigan: That is unintended.

Mr Wildman: I know that they are not tending very much.

Mr Hillier: If I recall correctly, I believe that figure is based on some plantations in the 1970s.

Mr Wildman: That is even the tended areas he is talking about.

Mr Hillier: Pardon?

Mr Wildman: He is talking about the tended areas, the planted areas.

Mr Hillier: Yes, planted areas, but it may be a question of whether those planted areas were actually tended back in the 1970s and if they were not tended at appropriate times.

Mr Wildman: My question is really, do you agree with this figure or not? Either you do or you do not.

Mr Hillier: I would tend to think that his figure is probably accurate for that point, using the history of forest management.

Mr Wildman: He talks about the changing character of the forest. He talks on page 11 about that, its change from a pine forest to another type of forest which is less valuable. On page 21 he uses a quote from MNR that says, "While the precise type of stand that was aimed for was not achieved,"—that is, in regeneration—"this does not represent an overall failure to regenerate an area." Then he comments: "It does represent a failure of their particular methods, as these methods would regenerate to some species naturally regardless of the silvicultural activities of the OMNR. It does represent a failure if white pine was desired on an area that is now covered by poplar or a mixture of other species."

Mr Hillier: He also says on page 21, "These successful areas are based on accepting a stocking of 40 per cent or greater." What that refers to is that if you have 40 per cent or more, it is successful. If it is less than 40 per cent, it was deemed unsuccessful. If you look at a lot of the pine stands that we are now operating on based on a result of past logging, most of the pine stands are a dense pine stand in our area if they have 40 per cent pine.

What it is saying is that although we did not attain the objective of getting as much pine back as we would like, we did get a pine component back in that stand, so we have a mixed wood stand now.

Mr Wildman: In other words, you are saying that because the character of the forest has changed, it is still not fair to say that it is a failure to regenerate pine.

Mr Hillier: I am saying it is a failure to regenerate pine but it is not a failure to regenerate the forest.

Mr Wildman: That is what is so ridiculous about your statement. The forest would grow up anyway.

Mr Pouliot: A tree is a tree is a tree, regardless of the species.

Mr Hillier: That is right, but you would not necessarily get a pine component in there.

Mr Wildman: Okay, to get a few pine is better than to get no pine, I would agree, but to suggest that that is a success—

Mr Hillier: No, I am not saying it is a success. Maybe I did not explain it well enough.

Mr Wildman: I am using your quote. It says, "While the precise type of stand that was aimed for was not achieved, that does not represent an overall failure." Okay, that is a limiting word, "overall" failure to regenerate an area.

Mr Hillier: Obviously, we would like to have 100 per cent.

Mr Wildman: If I do not tend my backyard where I live, it is going to grow up in poplar and birch and spruce.

Mr Hillier: I was not in Temagami back then. I cannot correct what went on in the past. What I can do is try to improve the forest in Temagami.

Mr Wildman: I am not talking about you personally. You represent a ministry that has been there for a long time.

The Acting Chair (Mr Miller): I think the minister would like to respond or make a comment at this point.

Hon Mrs McLeod: I was first of all going to just correct the record that you are not quoting Mr Hillier when you cite that quote.

For the moment let us set aside his slide presentation, which he has already made, about our current efforts in regeneration and what has been a change in focus in that regeneration effort, which is quite consistent and not contradictory, by and large, with what Mr Benson says, which is that up until 1984 there was no regeneration to the level that has occurred since 1984 and there was in fact a change in the forest. I think in Brian's slide presentation he quite clearly indicated that had occurred in the Temagami area over a period of time since the 1920s; that logging practices, contrasted with the regeneration practices of that time, changed the nature of that forest.

At no time are we sitting here today saying that that is a value which we are currently either condoning or practising. Since 1984, and this is consistent with Mr Benson's report, we have not only improved the regeneration efforts but have focused on a regeneration of white and red pine. It is quite different now than what was being practised in the past.

Mr Pouliot: The focus here is to have white pine replaced by white pine, not a tree replaced by another tree of any species.

Hon Mrs McLeod: If you look at the statistics, that is exactly why we are in fact regenerating with a greater emphasis on white pine, to a larger extent than we are harvesting red and white pine. But that is since 1984 and that is why we cannot show the success rates in terms of the free-to-grow areas.

It would be very difficult for us to say that the practice we are doing now was in existence in the period of time the quotations being entered into the record now are taken from. It was different then, but it is different now and we are focusing on regenerating more pine than we are in fact harvesting.

1720

Mr Fleet: I would like to ask a question on this, because this is rather a critical point. Mr Pouliot's statement about the object being to have a white pine replace a white pine was not my understanding of the evidence we got from last week, where I distinctly gave an explanation of what I understood to be the pattern of growth in the forest. As I understood the evidence then, the explanation was that you do not necessarily get white pine growing where white pine was growing before. There is a variety of circumstances and factors that would affect that.

I guess I just want to be clear as to what is really the object of the exercise. As I understand it, the object of the exercise at large is to make sure that within a relatively large designated area you get growth of a variety of species over time and that if the white pine grow up in an area they might not be replaced in that spot by white pine but somewhere else you have a growth of that particular species coming up. If my understanding of the process is wrong, I would sure like to be corrected now, but that is my understanding of what the object is, which is a different in a rather critical degree from what Mr Pouliot stated.

Mr Hillier: That is correct.

Hon Mrs McLeod: Just so we all understand—and please, I ask the ministry staff to correct me if in fact my understanding, after hours and hours of talking about the Temagami forest, is incorrect—over a period of time, the regeneration of the white or red pine forest was not occurring either naturally or through a focus of artificial regeneration, and this will be one of the discoveries of the studies being done by Dr Day to confirm whether that is in fact absolutely accurate, but the white and red pine need special treatment in order to ensure that there is regeneration, whether it is in an area being harvested or whether it is in an area being preserved where there is fire suppression. The only way in which white pine would regenerate as it would in a natural forest would be if you had the effect of fire in the areas you have set aside, so we are not getting the white pine regeneration that you would naturally expect and we had not in past years been artificially regenerating pine to the extent we are now.

Mr Wildman: I have just two more questions.

The Chair: We have a list of Mr Pollock, Mr McGuigan and Mr Fleet. You are still on the list, Mr Fleet; you did not ask it just now?

Mr Fleet: Hopefully.

The Chair: And we have only half an hour left.

Mr Wildman: Just two questions.

The Chair: Short ones?

Mr Wildman: Yes. One is dealing with rotations and the other with old growth.

In the report, on pages 45 up to 50, Professor Benson raises a lot of questions about rotation as it relates to old growth. You have talked about your rotation rate of 120 years. He questions that and says, I think on page 47, that a rotation maximizing lumber production would be at least 150 years.

Mr Wray: If I could use the overhead to demonstrate that, this is one of the graphs in particular that he uses to illustrate that 150 years would maximize the lumber recovery. You will notice from this, though, from the period of about 110 years on, yes, there is an increase, but there is a very slight increase. If you want to look at this strictly from the economics of lumber production, if your growing stock is your capital, you are reaping a very low rate of interest on your capital from 110 years to 150 years in that situation.

Mr Wildman: He argues it would be higher value because there would be fewer knots.

Mr Wray: If you start looking at some of the other numbers that we get on here, GTV is gross total volume, which is the total volume of the tree. GMV is gross merchantable volume, which is minus the stump and the top but it still includes defective and decayed material.

At this point, where these peak, is the point where losses in volume due to mortality start to exceed volume growth. Unfortunately, this does not also include what is the net merchantable volume, which is where you start taking out the defective or decayed material. You would start seeing it dropping off at that point also. Admittedly, you can get some increased value of the lumber because of fewer knots. You can also start getting less lumber, so there are economic sawoffs in there. You would have to look at the decay rates.

Mr Miller: Can we have that slide back on there? From the chart, is from 70 to 100 years or 110 years not the most productive time to harvest? Is the top line the peak production?

Mr Wray: Really, it depends upon your objectives for a specific area. Anywhere within the province you can have rotation ages of 140 years down to some areas as you get just across the border into the United States where they are managing on an 80-year rotation. It depends upon the investment that you wish to make, the type of silviculture and what products you are looking for. You can pick any number of rotations, but it really depends upon the investment you are willing to make and the end result. There is no one rotation that is the best across the board.

Mr Wildman: My other question is on old growth. On pages 50 to 55 in the report, they deal with what is not known about old growth, and I think in this case you are in agreement with them that we do not know much about old growth.

On page 51 it says:

"A complete understanding of this system remains to be determined. Old-growth forests are one way to ensure that the sites can rebuild the productivity of the soil."

Then further on they say:

"Unfortunately, we do not know what these relationships are for the old-growth forests.... To determine these relationships would require several years of study by a wide variety of experts. Studies in other areas have shown that old-growth forest is necessary for species."

Then on page 54 it says:

"In addition to the ecological reasons for retaining old-growth forest, there is the scientific need to retain them for study...If we lose the old-growth forests, we will have lost the opportunity for scientific study."

Do you agree with them that we do not know much about old growth, even in terms of defining what an old-growth forest is? They are saying that because we know very little, we need several years of study and we need the forest to be maintained as an entity in order to carry out that study.

Hon Mrs McLeod: Just as an overall comment, that is exactly one of the reasons why we have looked at an operation in our harvesting plans in Temagami area, because we do want to be sensitive to the old-growth areas and because there is a need for more knowledge in identifying those old-growth areas, and why we are going to continue to look at any harvesting plan with a view to the sensitivity of old-growth areas.

Mr Wildman: But how do you do that when your own staff says it cannot define what an old-growth forest is? How do you determine not to cut in certain areas if you have not yet reached the point of defining what an old-growth area is?

Hon Mrs McLeod: I think one of the things you do is undertake the kind of studies that have first of all been done in Quetico park by Bob Day—there is some head start on beginning to deal with the issues of old growth in the province—second, by having similar kinds of studies carried out in Temagami, which Dr Day is doing now; and third, by continuing to do those studies on a very site-specific, intensive basis as we look at any plans for any harvesting.

Mr Wildman: I will just finish by saying that I think it was Dr Willard Carmean of Lakehead in the presentation last week who essentially said that you could not—to be fair, I am now paraphrasing, but I think what he was saying was that you could not selectively cut in an area and maintain the integrity of the forest for study.

Mr Hillier: I guess the question is, how much do you need to maintain in the old-growth status, recognizing there is no definition? Again, there is some work going on in the Pacific Northwest where they are trying to selectively log some old-growth areas to see if they can maintain those characteristics. There are other suggestions of extended rotations, which Mr Benson also addresses in his report, but I guess there is a broader question of, how much old-growth forest do we need protected?

1730

Mr Wildman: That is the essence.

Mr Hillier: Yes.

Mr Pollock: Last week two of the gentlemen mentioned that they had travelled extensively in Scandinavian countries, so I asked them just what they are doing better than we are in those Scandinavian countries and they said, "Regenerating." According to your records, it looks as though you are doing a great job. Do you care to comment on that? I am sure you are aware of what they are doing in the Scandinavian countries.

Mr Tough: I guess I have just an observation. I do not think we pretend that we are up to the intensive forest management practices in Sweden. It is a different kind of a forest and there are different kinds of objectives and a different kind of land ownership pattern.

We are not doing as well yet in regeneration across the province as we ought to do. We have intensified our efforts in the Temagami district in particular; you have seen the slides. We think we are beginning to address the backlog that Mr Wildman in particular was so concerned about. We share his concern to address that backlog.

We are not saying we are doing a great job. We have some catching up to do. We think we have some more to learn in terms of regeneration. We are putting an effort in there that has never been witnessed before. I think we will try to make a drastic improvement in the regeneration efforts there and across the province, but we are not pretending we are Sweden. The analogy is not perfect; it is a different type of system there.

Mr Pollock: You mentioned land ownership. Is a lot of the land privately owned?

Mr Tough: About 50 per cent; 25 per cent is owned by the church and about 50 per cent is private ownership and I think the rest is state ownership.

Mr Pollock: Which is doing better, private owners?

Mr Tough: I think they are all doing well.

Mr Wildman: Over there they have laws that tell private owners what they must do on their forest land.

Mr Pollock: We have a few of them here too.

Mr Tough: They operate under very stringent legislation, not only in terms of regeneration but in terms of harvesting. It is very stringent.

Mr Pollock: One thing that surprised me was when you said 90 or 95 per cent regrowth. Of course I am comparing apples to oranges in one way, but conservation authorities claimed that only about 25 per cent of their trees actually survived last year in our area with the drought. That is a quite a variation there.

Mr Hillier: I am not sure what type of nursery stock they planted, but if they are planting farm land or open areas they might have chosen the bare-root type of stock to plant whereas we have been planting containers, which, as I mentioned, have that plug of dirt. Because that dirt is there protecting the roots from the day it is transported from the nursery to the planting site, it is a little better adapted to survive a drought condition. It could be any other factors that contribute to it as well.

Mr Pollock: I will be the first to admit that drought certainly can enter into the picture.

Mr McGuigan: Maybe research can help me. I think it was Dr Hank Akervall who spoke about fish. I wanted to ask some questions about fish which relate to tourism and so on.

Opening up the roads leads to greater fishing pressures. He talked about one instance where, fishing through the ice, he or someone he knew had walked around a small lake and he counted the number of fish harvested that day, lying on the ice, which was the number, in his estimation, that lake could produce in the entire year. In other words, the sustainable yield was taken off in one day.

What are your thoughts on how we go about preserving the fish stocks? You indicated we have done very well with the system of permits we give for hunting moose. We have increased the number of moose by 100 per cent. The deer population is the highest it has ever been in North America with that management system. How do we do that in fish?

Mr Pollock just reminded me of a point. I know he is a dairyman. I am sure he gets 14,000 or 15,000 pounds of milk per cow because they are tended and looked after, yet from those wild cows out in nature a couple of thousand pounds

would probably be all the milk you would get out of them in a year.

In England and Scotland, particularly in Scotland, where I have some familiarity, the salmon fishing streams over there are entirely privately owned. You do not fish for a salmon unless you sort of go through a gate and they guard those gates and so on. They maintain a sustained yield and they are very highly prized salmon.

How are we going to maintain the tremendous value of that sport fishery in those lakes if that information we had last week was any indication that that is what happens when you open up these roads?

Mr Koski: I have a few comments that I can make with regard to fishing in general in the district. I will limit my comments specifically to lake trout, because those are the most sensitive species that we manage in the area.

We do have a number of legislative tools to protect all fish, of course. There are limits, there are seasons, there are sanctuaries. There is something that has not been mentioned here before, but there are also access restrictions involved in some of those roads that are being constructed in the area, so there are limits as to who may access certain parts of the district as well. There are a number of techniques we can use to rectify a problem when it is identified.

Mr McGuigan: What are those limits to access?

Mr Koski: There are gated locations on some of our roads right now, particularly the Goulard Road, the Red Squirrel Road and the Lisheard Lumber Road.

Mr Tough: I would just add that I think those are all valid management techniques and we will be applying them to the extent that it is desirable in the area, but I think a number of those management techniques are going to have to supplement a change in sportsman ethics.

We are seeing that in a fairly widespread view across Ontario. The idea that you had to go out and catch your limit every time you went out is slowly yielding place to the notion that you go out for some recreation, catch and release. You are seeing ads from fishing tackle companies, for example, pushing very hard on catch-and-release techniques and so on.

I think that it would not be our intent simply to use enforcement methods, but under the auspices of organizations like TAC and other groups of people, come to a consensus that the resource is under pressure and that—no matter what we do, Ken—it simply cannot stand the increased pres-

sure. It would take a great deal of heat and steam out of the access issue if there were a consensus in the area among the various users that the resource was simply not going to be pounded by that increased access; if there were a consensus in terms of dealing with that resource in a more stewardship-like manner.

Mr McGuigan: It is my understanding that catch and release is certainly a great big thing among people who are sort of year-round fishing sportsmen, but does it work with the people who only go out two weeks in a year or one week in a year to go fishing? Are those people not really looking for fish more than they are for the sport side of it?

Mr Tough: I guess we would not think so. You can only carry so many, after all. I think one of the things we are seeing in certain areas is that the enjoyment is in the experience, that there is less and less preoccupation with poundage and the notion of catching enough for a shore lunch and then spending some time and then on your last day taking some home. Of course, that really takes an enormous pressure off the resource. We are seeing that across the province and it has to happen, in our view.

1740

Mr McGuigan: I might just share with you that my son is a catch-and-release fisherman and I go with him once in a while.

Mr Wildman: I know the problem.

Mr McGuigan: I never have the problem that he has, but I might just share an experience I had with him.

Quite a number of years ago, we went on an airplane trip, landing on a lake I think pretty much in the Temagami area, near Marten River and a lake called Fanny Lake. We just arrived there, went out on the lake and the darnedest storm came up that you would not expect on a 10-acre or 20-acre lake. When we left the place a few days later, we just got a few miles away and that same tornado that had nearly blown down the big stack at Sudbury passed just within a few miles of us. Had it passed where we were, I would not be here.

The other thing I wanted to find out is, answering that question of success, is this not somewhat somewhat comparable to the fishing industry on Lake Erie? I have read a good deal about it; I live on Lake Erie. If you go back in the history books, they tell about sturgeon. The lake was full of 200-year-old sturgeon that weighed 200 and 300 pounds. It was full of herring and they had big catches. We are still having big

catches today, but of different species, pickerel and perch, and the dollar value far exceeds that old value.

I realize a perch is not a sturgeon and a poplar is not a white pine, but to say that the whole system is a failure because we have not achieved all of our objectives—

Mr Wildman: My concern is cutting lumber as opposed to pulpwood.

Mr McGuigan: But it is somewhat the same system on those lakes as the one we are talking about here in timber management. For a great many years, of course, the lakes were not managed at all. Now, in I guess the last 10 years or so, there has been a quota system and the fish populations are coming up. There was a case two years ago where someone reported an oil spill on Lake Erie because he saw this slick and thought it was an oil spill. It was schools of pickerel. There are so many pickerel in that lake now because of management.

Mr Fleet: I want to come back to the question of sustained yield and sustained development, which, if I understand correctly, are really two different ideas. I just want to be clear. I am not sure how much information you have to give me. I will tell you what I understand the difference is and you can tell me if I am off base.

Sustained yield seems to be a fairly elastic thing in terms of what it means for the formula for management. If I understood your presentation correctly, in fact you changed that a few years ago in terms of how you manage the forest, ostensibly working under the same definition.

The question of sustained development, which is presumably what we want to do with all of our resources, is really a question of being able to balance the economic value, which may change from time to time, quite apart from the production of a particular resource.

What I am not really clear on is to what extent MNR is involved in the evaluation of the sustained development process, as opposed to sustained yield. I take it you are learning more about sustained yield as you go along and you will amend your management practices as you learn more about the process.

The problem about sustained development has not really been heavily focused on here today. I noticed there was a little bit about the number of jobs that were dependent. I noticed a striking disparity between what the forest products association claims are the number of direct jobs—I think it was 1,800, if I remember the figure correctly—and your estimate was like 475. I would have thought that is a very easily

comparable kind of number, one of them is right and one of them is wrong, but if the whole controversy which inherently involves sustainable development cannot even settle out those kinds of basic facts, how are we supposed to understand what the management practices for sustainable development are best to be?

As I understood the thrust of the Benson report, he is saying, “Gee, we really don’t know what the impact is here, so let’s go real slow and cautious.” It does not really say let’s not have any cutting of lumber, but go real slow. That is the thrust of the argument.

I guess I have not heard much to really answer the sustainable development question, to say, “What is the sustainable development,” not just what the technicalities are of sustainable yield.

Hon Mrs McLeod: I am not sure if you want to take a crack at it first or not, Mr Tough, because I think the questions of definition of what will be sustainable development and how that will impact forest management are going to require a great deal of discussion and debate and a lot of value judgement calls in terms of our predictions about what will sustain development in the future. We are still into discussions about multiple use, and often competing uses, as we look towards sustained development in the future.

I think sustained yield, and the ways in which that is defined for forest management, becomes very much part of the sustained development question, but only one part of it. The sustained development question gets us much more into integrated forest management and into dealing with the balance of the uses.

If our belief is that we want to have sustained development that responds to the multiple uses of the forest, then that involves us in integrated forest management and the decisions about sustained yield for harvesting purposes are only one part of the decision-making for integrated forest management that is a basis for multiple use of the forest into the future. I do not think using the term “sustainable development” helps us to avoid the complexity of the decisions or the definitions or the value judgements.

Mr Fleet: I do not want to avoid them. I just figured I was not going to settle them between now and five to six.

Mr Tough: If I could just add a little supplementary to that, I guess, as the minister says, we see sustained yield as a necessary but not sufficient condition for sustainable development. What we are trying to do in the context of this comprehensive planning approach is to see

the timber management and the timber harvesting process go on within a framework that has as its objective leaving things better than we got them and I guess we feel rather strongly that that is possible.

One of the tenets of the sustainable development discussion is maintaining ecological diversity. Years ago, a government decided that one of the things it was going to do to maintain diversity in the Temagami area was to create a park and to exclude timber harvesting from that park. Subsequent decisions have contributed in the old-pine area to maintaining larger groups and the issue there is how much and how much more is required.

The sustained yield is something that we believe we have to embrace, but in any resource management context, and particularly in Temagami at the present time, it is not enough.

Mr Fleet: One of the things that I thought was rather interesting in the Benson report is the suggestion that the areas of management, the definition of what area ought to be managed by a given individual or a given unit, ought to be reviewed, the explanation being—and I assume this is correct—that the current boundaries are essentially administrative. They derive from reasons of human simplicity rather than necessarily following the force of logic created by Mother Nature.

1750

It might be better to redraw the boundaries of how these things are being studied. I thought that was also part of the implication of what I have been hearing, both last time and this time, about what area it is that you are studying. If you define an area too large or too small, you may get results that are either inconclusive or just plain wrong because you have not taken into account all of the factors that might in fact have an impact on the results ecologically. What, if anything, is happening to take into account that kind of consideration?

Mr Hillier: I think MNR is open to looking at the boundaries for its district. I believe several years ago the minister established the Temagami Area Working Group and that exact point was being raised by the various interest groups on the boundaries of the district, and as a result the working group recommended some changes.

As I understand it, there are two townships which are now going to be included in Temagami district, and a little bit of the wilderness park area, which formerly had been part of the Sudbury district, has now moved into the

Temagami district for a better ease of management as one MNR district.

Mr Fleet: That is the southwest corner?

Mr Hillier: Exactly, yes.

Mr Fleet: I suppose I was asking it more in a context of Temagami. Is this happening across Ontario that you are looking now at changing boundaries on the basis of ecological rather than administrative considerations?

Mr Wray: Not to a great extent. The thing you have to realize is that every time we change one of these boundaries, we run into significant problems in terms of complicating our historical data. If you change a boundary, suddenly you have to go back into the data for that previous management unit and try to separate it and reaccumulate it based on the new boundaries. It causes a great deal of difficulty in terms of continuity and management.

It also depends upon what ecological boundary you choose, because depending upon what you are looking at, if you choose the range of white pine as one, that may give you one set of boundaries, or if you choose the range of moose or caribou, that could give you a different set of boundaries. Generally, changes to management unit boundaries are something that is looked at very strenuously before adjustments are made.

Mr Fleet: I guess the consideration that I am wondering about is the problem of the population of moose or deer doing very well in a given district and then all of a sudden it depletes. I understand that is quite common, that they will shift and they will disappear from an area and may be gone for quite a period of time, maybe 20 years, and then start to come back into an area. Unless the management systems are at least integrated at some level to be sort of tracking where they are going, that may or may not indicate that something bad is occurring when they deplete, or it might be a very natural thing, in which case you need not worry. I just wonder how that is being accomplished.

Hon Mrs McLeod: I am not sure that people, when they talk about whether they want to get specifically into the tracking of the moose population, which may be a very specific asset—your question more generally, I think, is integrated information and the extent to which we can work with flexible decision-making, whether it be decisions about altering boundaries or other types of decision-making.

One of the issues that I think Dr Baskerville raised some time ago was the technological capacity of the ministry in the extent to which its

forestry data and wildlife data are on a sophisticated computer system. That is very much an undertaking of the ministry right now to get the data on to a geographic information system so that there can be decision-making that is served by up-to-date information that can be quickly altered. You can have a much more flexible decision-making pattern with that. We are still at a relatively early stage of getting that kind of computerized inventory database.

The Chair: I wonder, Mr Fleet, if you would allow Mr Miller a short question.

Mr Fleet: By all means.

Mr Miller: I like the phrase that the deputy minister used where he said we want to leave it better than we find it. I think that is very important and I think that is what this committee has been all about.

The thing that concerned me a little bit was, what is the plight of the white pine tree?

I will give you an example. We have the St Williams nursery in southern Ontario. Last year, or I think two years ago, they had a better supply. It was a good year for growing. They had more than the quota that was established for it and they were not going to be able to find a market for those pine trees. Can they use that tree, plant it up north and be successful?

Mr Hillier: If I may answer that, we have divided the province into what we call site regions. In Temagami's particular case, it is site region 5E. If you take trees from a more southern site region and move them up to Temagami, they are not as frost hardy as trees which are naturally adapted to the Temagami area, so it is not

advisable to be moving trees from different site regions across the province.

Mr Wildman: Particularly when you are destroying seedlings in the north as well.

Mr Miller: No, I am not saying that, but if you have a supply you cannot use in southern Ontario, why would it not make sense?

Mr Wildman: It is the same in the north. It is the same situation.

Mr Miller: Are we doing too many up there too?

Mr Wildman: Apparently, as far as the ministry is concerned.

The Chair: I think there is supposed to be a vote. The bell is ringing, unless I am hearing things, so I think we had better call this to a halt. I would like to thank you, Minister, and your band of merry men for their presentation. I think it is also appropriate, finally, to have a woman as a minister of this particular ministry and we congratulate you. We thank you very much for your presentation, Mr Tough and Minister. If you want to close it off, we have about 30 seconds.

Hon Mrs McLeod: Again, I thank you for the opportunity and if there is other information the committee needs, I know we will do our best to provide that information to you.

The Chair: On Wednesday the committee has before it Chief Gary Potts and the Temagami Wilderness Society. We are adjourned until Wednesday afternoon.

The committee adjourned at 1755.

CONTENTS

Monday 20 November 1989

Temagami district resources	R-53
Ministry of Natural Resources	R-53
Adjournment	R-78

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Chair: Laughren, Floyd (Nickel Belt NDP)

Vice-Chair: Wildman, Bud (Algoma NDP)

Dietsch, Michael M. (St. Catharines-Brock L)

Fleet, David (High Park-Swansea L)

Lipsett, Ron (Grey L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miller, Gordon I. (Norfolk L)

Pouliot, Gilles (Lake Nipigon NDP)

Riddell, Jack (Huron L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Substitutions:

Campbell, Sterling (Sudbury L) for Mr Riddell

Kozyra, Taras B. (Port Arthur L) for Mr Dietsch

Also taking part:

Pollock, Jim (Hastings-Peterborough PC)

Clerk: Mellor, Lynn

Staff:

Luski, Lorraine, Research Officer, Legislative Research Service

Witnesses:

From the Ministry of Natural Resources:

McLeod, Hon Lyn, Minister of Energy and Minister of Natural Resources (Fort William L)

Tough, George, Deputy Minister

Hillier, Brian, Project Management Specialist

Koski, Ken J., Fish and Wildlife Management Officer

Wray, Dave, Manager, Timber Management Planning Section



Supplement
R-5

No. R-5

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Resources Development
Temagami Distance Resources

Second Session, 34th Parliament
Wednesday 22 November 1989

Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday 22 November 1989

The committee met at 1538 in committee room 1.

TEMAGAMI DISTRICT RESOURCES (continued)

The Chair: The standing committee on resources development will come to order.

Before we start with the business of the afternoon, I should tell members that the Temagami Wilderness Society, which was scheduled to appear this afternoon cannot appear, because its members were involved in a car accident up, I believe, near North Bay and they are in hospital. They are not seriously injured and are prepared to appear before the committee at a later date. I would seek unanimous consent from the committee to schedule them on 4 December, if that is appropriate. If members of the committee agree to that, we can ask them if they would do that. They indicated that they probably could attend, but we would need approval to do that.

Mr Pollock: On that very point, I have a request from other people to come before the committee, but I take it that it is a closed shop, that nobody else can come before the committee except whom the subcommittee agreed to.

The Chair: I would not like to put it that way, but yes, you are right. The subcommittee did determine who was to appear before the committee, and that is it. The number of hours, as you know, was locked in at 12 by the standing orders, so we had absolutely no choice on that. That is why the length of time is tight and why, for example, we only have an hour this afternoon.

Mr Dietsch: I would agree that it would be appropriate for them to come in on 4 December, and I would like to point out to Mr Pollock that Mrs Marland was a member of the subcommittee when we decided on those individuals. It was recognized that it was difficult to get everyone in who wanted to have a say, but none the less we agreed to have in as many as possible of those individuals who were closely related to the issue. I hope that finds some comfort.

Mr Pollock: I can assure you that the people who called me are closely related to the situation. There is no question in my mind that they are closely related. They never had a chance to come before the committee.

The Chair: I have no doubt what you say is correct.

Mr Wiseman: I would be in favour, in view of what has happened, of going along with your suggestion of 4 December.

The Chair: Okay, is that unanimous consent to see if they will come before the committee on December 4 then?

Agreed to.

Mrs Marland: May I just clarify the comments about our agreement as a subcommittee? It is true that as we selected the limited number of deputations we could have we tried to have a balance between industry and other local interests, and I understand that the group that has now approached our caucus, the Northern Community Advocates for Resource Equity, is an overall representative group. I think we feel that some of those interests have been represented by the industry itself.

The Chair: I do not think anybody was blaming anybody for that. The standing orders say we only have 12 hours.

This afternoon we have Chief Gary Potts from Teme-Augama Anishnabai. We welcome him here. I would remind members once again that we have one hour and that is it. I regret that. I will not repeat myself, but that is a restriction that is laid on us by the standing orders. Chief Potts, we welcome you to the committee and we look forward to your presentation this afternoon. Any time you want to kick it off, please do so.

TEME-AUGAMA ANISHNABAI

Chief Potts: I thank you very much for the invitation to be here this afternoon. I would like to bring you all greetings on behalf of the Teme-Augama Anishnabai, Bear Island, Lake Temagami, and point out that our people have lived on the land for 6,000 years. This committee is addressing one particular use, and that is the forestry use, and one particular report commissioned by us and completed primarily by Crandall Benson and his associates. The Teme-Augama Anishnabai, its natural owners, the human beings who have owned that land for 6,000 years, have been struggling for 112 years to make a treaty of co-existence, seeking reserves

for protection from the land uses that were coming into our territories.

The way I would like to proceed this afternoon is I feel, from looking at the agenda and the people whom you are listening, that you have statistics coming out of your ears. I would like, if it is possible, to go by the statistics. I know how politically pleasing it is to some people to deal with statistics. I guess when you talk about numbers and that, we do not present a very powerful statistic in that regard.

You have to excuse me too, because it is going to take me a minute to adjust. I have been spending the last 10 or 11 days talking to policemen on the Red Squirrel Road to explain to them why we are doing what we are doing, and to the construction workers and to representatives of the Ministry of Natural Resources. I do not know how many people you have appear before you who are considered criminals by the Ontario government and by the Ontario court system, but as of last Wednesday I have been charged with mischief under the Criminal Code of Canada. It is an interesting situation that we find ourselves in. It is almost like these committee hearings should have taken place prior to any incursions into our territory by settlers a little over 100 years ago.

It is interesting that we are trying to play catch-up to something that is fundamental to land use on the ground. It is interesting that you are in a very powerful position, as government, to make decisions about how we live our life on our lands and that none of you live there and are going to be buried there and that your children are going to be living there or be buried there as well.

Many of you have come from other nations in the world. If you did not yourselves, your ancestors did. You had a choice and your ancestors had a choice to be Canadians. They made that choice and they applied for immigrant status to this country under a British regime of colonization.

Our people have had no choice. Our people did not apply for immigrant status from any other part of the world to come to our land. Our people have been on that land and we had to prove in a court of law how long we have been there. Mr Justice Steele concluded that we have been there at least since 1763.

We had professional linguists come in and show that our language and the words in our language were used nowhere else on earth. It indicated to them that our peoples had been distinct for at least a minimum of 500 years and probably thousands of years. We had archaeo-

logical evidence from sites buried four feet under the earth—earth which grew from trees and other vegetation matter—that showed that our people had not moved throughout all of that historical time period.

It has been a tremendous burden on our people to learn to talk English, to be forced to talk English, to have to defend ourselves and our interests on our lands. It is a tremendous tragedy that the knowledge that we have of our lands and the acceptance of the Euro-Canadian society of us as distinct peoples has not taken place.

It is a tremendous tragedy that this farce continues, even today when people are supposed to be more enlightened, when the Ontario government premises its ownership of N'Daki Menan, our land, on Mr Justice Steele's decision, which is one of the most, if not the most, racist decisions in modern legal history. It is a tremendous slap in the face to people who believe in justice when the Court of Appeal for Ontario upholds Mr Justice Steele's findings and goes further, to protect his findings from being overturned at some future date. Hopefully, they were ensuring that the Supreme Court of Canada would not grant leave to appeal because it was unanimous by the Ontario courts that we did not own our land.

1550

Thank goodness the Supreme Court of Canada has seen fit to listen to our appeal, and that appeal will be heard probably within the next year. A judgement will be handed down the year after.

I just want to touch on some of the findings of Mr Justice Steele that relate to all of our land use. If we have any rights, he says they are the same rights that our people had in 1763, and he limited those rights basically to the use of a bow and arrow, birch bark and other technology that we were utilizing at that time.

If at some point in the future we are successful, I can assure you that we will not limit uses made of our land by Euro-Canadians to uses that their ancestors were making of the land in 1763, we would not limit their dress to 1763 dress and if they went beyond that, they would have no rights as peoples.

Mr Justice Steele said that I was not a good representative of the Teme-Augama Anishnabai because I had a white mother. My mother is white, Caucasian. Her name was Catherine Kiley before she married my dad. She is of Irish ancestry and a very wonderful and strong person. My dad, who is now deceased, was, I guess you would say, biologically a Cree and his father was adopted by the Teme-Augama Anishnabai when

his grandfather and grandmother were burnt in a fire in Biscotasing. They were brought to the Teme-Augama Anishnabai lands, raised by Teme-Augama Anishnabai and trained in the Teme-Augama Anishnabai ways of looking at the land and our history.

The findings by Mr Justice Steele that a few well-meaning white people had fabricated this whole story does not hold water when you look at the transcript, when you look at the evidence that was put before him, particularly on land uses. Frank Speck had made a lot of findings from talking to our people in 1913 when they were gathered at Bear Island, expecting to make a treaty with the Ontario government. The Ontario government informed our chiefs at that time, two weeks prior, that they were not going to show up to hold any treaty talks with our people.

Frank Speck's evidence that he wrote down—we looked at the rough notes—was fairly accurate. He was not accurate where he started assuming that we were from other areas. There were a couple of families who moved to our area, through marriage into our people's groups, from the Great Lakes area. He called us Ojibwa. We were not Ojibwa and are not Ojibwa. We are connected with the Algonquin peoples of the Ottawa Valley area.

The finding of Mr Justice Steele that Tagawinini signed away our land by signing the treaty of 1850 was a tremendous shock to us. This is the first time this had ever appeared anywhere in history, that this interpretation took place. The Ontario government fabricated this at trial. There was no evidence at all to support that Tagawinini was indeed an agent of the Teme-Augama Anishnabai. All the evidence proved the contrary.

Dokis, one of the chiefs who signed the treaty, said that Nebanegwune's people did not know anything about the treaty until it was over and they were not invited to the treaty. The treaty was preceded by two weeks of negotiations. Money was given out four days after the treaty was signed to many peoples at Manitowaning. In 10 hours there were 2,400 Indians paid.

Many peoples who received money and continued to receive money over the years signed treaties elsewhere later on. An example is the Matagammi band from near Gogama, Ontario. They were invited to sign Treaty 6 after they had been receiving the Robinson-Huron treaty payments up until around 1900 or so.

It is in our cultural traditions that when somebody is offering gifts to us, we do not refuse those gifts. Any time our people received

presents or money from the government agents, that was not refused. It would have been considered an insult to refuse that.

We know in fact that there were no treaty negotiations taking place at any point in time. We know in fact that in 1883, when Sir John A. Macdonald decided that the Temagami people should be put on the Robinson-Huron treaty list, they were under the impression that Temagami was on Lake Huron.

We have all of these many facts. I could go through the whole thing with you. I will not, but that is just an example of the kind of racism that I am talking about that is still present in the society that we are dealing with today.

We spent 96 years, from 1877 to 1972, trying to achieve a treaty. We have now spent 16 going on 17 years in the Ontario courts as another process. We looked on the court system as a process, because we were not getting anywhere with the politicians and have 112 years of history of not getting anywhere with the politicians, and that record is being kept intact by the present Liberal government.

The politicians we have dealt with over those years have no moral standards or humanitarian standards at all. They are primarily acting like the Board of Trade of England, which used to take care of the economic responsibilities in the colonies and designed the policies for implementation in the colonies.

This is what we are dealing with today; it is called the Ministry of Natural Resources. They have become one of the strongest ministries, if not the strongest ministry, in the Ontario government system. They have professionals in there who can outwit any politician who has been elected for a four-year term. They can turn your mind so that you know and feel in your heart and honestly believe that you are doing the right thing from the facts they present to you.

The only way I can illustrate to you that they are liars is for you to come to live with us for a year in our territories. Talk to our older people. Our older people cannot make this trip down here, the ones we are talking about, and we decided that they would not be put on the stand in courts either to be ridiculed by the likes of Blenus Wright, who works for the Attorney General for the government of Ontario. We talked to the Crees of Quebec about their case and how their case went in the James Bay court hearings before Justice Malouf. They pointed out how their elders were ridiculed on the stand by the government lawyers and James Bay Develop-

ment Corp lawyers. It was a very dehumanizing process for them, and we choose not to do that.

It is very interesting if none of you can take up the invitation to come and live with us for at least a year so that you see the cycle of four seasons on our land for once, anyway; so that you take into consideration that you are here as human beings from various walks of life who want to exploit our area/save our area. Some of us are in between, as the saying goes, when it comes down to political realities viewed through the eyeglasses from Toronto.

Keep in mind that you are not hearing from the moose that have to live with the results of clear-cutting in our area. Keep in mind that you are not hearing from the dew-worms that have to live in land after the forest is cut out of it. Keep in mind that you are not hearing from loggers 30 years from now, who will have no jobs in our area because there is no forest left for them. Keep in mind that you are not hearing from the children who want to live and use our area at least 600 years from now. Keep in mind that you are not hearing from the birds that build nests and live in those forests. Keep in mind that you are not hearing the water speak. The water evaporates after the forest cover is gone. The water table drops down.

1600

Keep in mind that there is not very much the Ministry of Natural Resources knows about our area. Keep in mind that they look at everything as a commodity, a value. If there is no money placed on it, then they will not do anything about it.

The standards that our people have applied to the lands include first and foremost the principle of sustained life. I imagine it has been read to you. I am assuming that it has been read to you.

This was something fundamental to our people, because our people's natural laws were set out by the four seasons in our area. We did not have a work plan set out that was five days work, two days off. We had the things that were done during certain seasons and the older people knew what had to be done to make a living, to continue on with life, to ensure continuity of life, and those were done and that was the way we operated. The life on the land was connected with humans; our humanness was interwoven with that. Each moon was described in a way that heralded some kind of event that was going to take place during that moon. If it was a snowshoe-breaking moon or the strawberry-picking moon or the fish-spawning moon, these were the ways that our people looked at things.

The patriotism that we feel is hard to put into words, but it is embodied in the stewardship concepts we have that the main principle of life is that you can use the land in any way you want to use the land, but you cannot use it in a way which prevents future life from using the land as well. That is the responsibility of us as human beings: to protect that land for future generations, and ourselves, because that land is our mother. The father provides life to our mother as the sun. Without the sun there would be no life on the mother land.

We have found, and I in particular have found over the years, that although I have learned to speak English, we have not been able to develop a cross-cultural dialogue that is meaningful. The bureaucrats we deal with are there primarily to advance their careers and the politicians we have dealt with over the years are there mainly to preserve their careers. We have not been able to establish an even ground for discussions as to what should happen on the land. We have offered to the Ontario government many times that we are ready to talk, with no preconditions to these talks, on moving towards a treaty of coexistence so that all peoples wanting to use our lands can have certainty again.

This certainty comes back to what our people had for thousands of years. We knew what was going to happen each season. We knew what you could do, and had to do, to ensure continuity of life and the values of life were very strong. It was a very humane culture, a very humane lifestyle, and one that could continue for ever. It had that certainty to it.

In standing up for our rights on the land, we have been framed as the people causing uncertainty about economic development on our territories. I find that this is misrepresentation of what we are actually trying to do. We are actually trying to bring back certainty to the nonhuman life that lives on our land, to the life of our land, period, and to the people who come to use our lands.

Scientific studies are what we find we need now, because people will not believe us and take our words at face value, there needs to be a scientist's report to back up what we say. Once that is completed, then people understand the natural framework of our land, geographical features that must remain intact and must be protected. Once that is understood, then all users of the area know the natural framework that they have to work within and that this natural framework is set out by what takes place in each season.

There is a cycle to each season. We find that that premise, once established and understood by society at large, would alleviate a lot of the confrontational mentality that exists now, "I want to use this land at the expense of your use of the land." What people would understand once the scientific studies are completed is that no one can use the land at the expense of the natural framework that is there and at the expense of the natural ecological system that is there.

This is why we passed a resolution in 1987 declaring that our land should be made a steady area for 400 years and that in the year 2387 we would have the knowledge to establish a framework of land use management that would ensure continuity of life for ever in that area. We chose 400 years because that is the period it takes from the time a seed grows on a tree till it reaches the earth and starts to grow as a tree. It goes through the cycle of life and falls to earth and returns to earth again. Once people understand that, we are optimistic that what would be removed is the confrontational mentality that we are dealing with.

I do not want to attack the system of opposition party, governing party and a third party. I feel that when it comes to land use, you are going to have to move away from your party system. What is happening to the land and the wildlife out there is certainly not a party. What is happening out there is that the land is being killed while parties fight over how it should be used.

If the Ministry of Natural Resources had a watchdog group on it, the public would have a chance to look at the original Delcan report on the Red Squirrel Road extension and compare it to the report that the Ministry of Natural Resources presented to the Minister of the Environment (Mr Bradley) and then understand why Delcan would not let its name be used on that changed report that was presented to the Environment minister as the grounds for going ahead with the Red Squirrel Road extension.

1610

What we have with the Ministry of Natural Resources is a major coverup of major problems out there on the land. They have the kind of bureaucracy behind them that we cannot match, but if we were given the money we could present evidence to back up everything that Crandall Benson, Harold Cumming, Hank Akervall and Willard Carmean are saying in their reports. We could humanize it more to show you what is happening. Our people are bush people and we could travel around with the animals that are there each year and watch what they are doing

each season of the year, the cycles that they go through each season of the year, and present that to you as evidence to show what has actually happened on the ground.

The framework for our land and what should happen to our land should not determined by plans set out by a forestry company and the Ministry of Natural Resources foresters who are facilitating the extraction of the forest. We have a situation where the forestry companies or the Ministry of Natural Resources did not put five cents into the forest growth on our traditional lands. We have a situation that is primarily founded on a system of exploitation, "All of this valuable timber standing there must be cut immediately before it rots." They do not have a full appreciation of why that forest was healthy when they first discovered it in 1900 or 1880, whichever date you want to choose.

They do not have to explain to the public why they build a \$3.5-million, 15-kilometre roadbed at public expense for a logging company to utilize. They do not have to explain to the public why they are spending, I think as of last week or the week before, approximately \$500,000 in police expenses to ensure that construction can go ahead and continue on the road.

The lumber companies do not have to explain it. After they have cut the trees, they declare bankruptcy and are gone. They do not have to invest any of the money that they have made from the cutting of the trees back into the regrowth of the forest. That is also left up to the taxpayers of Ontario to do. There must be a divine intervention for lumber companies to have this kind of right to exploit the lands. It is one of the outrageous tragedies of modern times.

The Ministry of Natural Resources says it will control access to the roads and ensure that the public does not get in to use the roads. That is a joke and another lie.

I will give you an example. On 11 November, when we started our roadblocks, I went in the bush to answer nature's call and observed three Caucasian males sneaking through the bush with rifles with scopes on them. I approached them and asked them where they were going. They said they had asked the police the day before if they could go in and hunt and the police had said no, so they were sneaking in to go in and hunt on the logging roads in Aston township, which is what I would call the Whitefish Lake area.

I do not know if they thought I was a policeman or what, but I asked them how they were going to get it out if they got a moose back there if they could not get it out by road. They

said they had a little camp made up back there and that they had a cart with two bicycle wheels. They were going to haul the moose down to Whitefish Bay and get a boat or something to come and pick up the moose and bring it around and down to the mine road, or else around to the Camp Wanapitei area where they could haul it back up to the Red Squirrel Road.

I just shook my head and they said, "Do you have any objection to our hunting?" "I have no objections," I told them, "if you are going hunting there." That is where we left it.

I went back out—and there were two police vehicles sitting at the gate, guarding the gate to prevent entry to the Red Squirrel Road system—and I told them that these three individuals were going through the bush on the other side of the beaver pond and that they were carrying rifles. I wanted to assure the constables that they were not our people, because we had agreed that there would be no firearms or dogs at the blockade sites. The police pointed out, "We told those jokers last night they couldn't come in here," but the police never made any point of arresting them for trespassing. The police just left them alone. Our younger people, walking back from the Red Squirrel Road blockade site at Barmac Lake to Wendabini camp at Sharp Rock Inlet, encountered the hunters strolling along the road with their rifles, looking for moose.

The Ministry of Natural Resources cannot stop hunters with a gate. The police, with two constables in each cruiser sitting there guarding the gate, cannot stop hunters from entering the area, so the Ministry of Natural Resources' position that the roads are controlled is a myth. It is on paper only. In reality, the people get in there.

Many of us have seen the forestry and the roads alter our territories to a point where we give up. Red Squirrel Road allowed campers and hunters to enter our area by vehicle. Johnny Katt's cabin at Sharp Rock Inlet was accessed by that road. A truck was backed up to his cabin there and the contents of his cabin, including two woodstoves, were emptied. Our people, having no control over the roads, left that area. We just could not keep a camp in that area.

1620

At my trapping camp, I have had one net and one gas lamp stolen from it. I have had two dogs stolen by people who are using the road. Last year my brother-in-law had his dog shot by hunters who were using the road off of Beijing, access to the south end of Lake Temagami. We lost our traditional family grounds at Indian Trail

Lake when the roads opened up that area and became accessible to the people from River Valley. Prior to roads, the people from River Valley had no interest in coming into our territories to trap there because it was too inconvenient for them.

When the road was built up from River Valley in 1950, Charlie Paul, who had his camp at what we call Elbow Lake, had his camp emptied of contents. The cabin was actually knocked down, just destroyed and burned by people coming in and using the road. At Walter Becker's camp at Obabika Lake, Goulard Lumber Co comes in and makes use of his camp without asking Walter's permission. They have clear-cut Walter Becker's grounds. With the exception of the area between Obabika River and the Wakimika River in the north end of Obabika, they never cut that territory when they were cutting there in the 1940s.

The Ministry of Natural Resources says that 40 per cent of the present Red Squirrel Road extension was built on prior roads. That is a half-truth and the kind of half-truth that the Ministry of Natural Resources sells to the public. What they are talking about were winter roads, during the 1940s and 1950s, when horses were used. There has never been a summer road bed back in that area at all.

From a human point of view, it is a real tragedy that you have not had the time to get a full understanding of what has happened here prior to our people being locked in jail. We are starting to go around a second time on the Red Squirrel Road blockades and one of the women will be spending time in jail tonight. Hopefully, she will be released tomorrow. The people are geared up to go back in the second time and go to jail.

The human dimensions of what is happening: I notice you have Ron Prefasi. He is the reeve of Temagami. Ron Prefasi has been told many times that we are prepared to lift the caution in areas where there is hardship shown, a partial withdrawal of the caution. There is no problem with that.

The Conservative government: We told Blenus Wright and Tim McCabe, who are with the Ministry of the Attorney General, in 1980 or 1981 that we were prepared to lift the caution on the outside of our traditional territories, which is about 200 to 300 square miles of land, because we have no interest in that area. But the caution is affecting it because we were using the township boundaries to identify the areas under caution.

We have told Elk Lake, we met with the reeve of Elk Lake and pointed out to him, again in

1980-82, in that area, that we would lift the caution on Elk Lake. All we needed was a letter to show there was hardship because our people had stated that the caution would be lifted where it was causing hardship. It had to shown to be causing hardship. We have never received an application from Elk Lake to do that.

There are approximately 2,800 permanent non-Teme-Augama-Anishnabai residents living on the N'Daki Menan. You hear Ian Scott throwing around figures of 10,000 people in the House. I have no idea where he is getting those figures from. You hear Ian Scott talking about the \$30 million that was offered to us. It was a 90-day offer. They used that as a basis for justice. Included in that offer was \$15 million that had to be provided by the federal government and the federal government was not asked prior to the offer being made to us. The federal government found out about this the same day we did.

People have the impression that Ian Scott is the guru of Indian ambitions in Ontario if not Canada. That is an absolute joke. Ian Scott is a racist. There is no question about that in our minds. We can show the factual evidence to show that he is indeed a racist.

Anyone who can come to a people and expect them to give up their right to a land they have occupied for 6,000 years, to tell them, "We will give you 50 square miles and that is 50 times the size of your reserve right now," which is only one square mile, and the public swallows that, and the public thinks that is wonderful, indicates why people like Ian Scott can still get away with these outrageous proposals in modern times.

The Chair: I am sorry to break in but I do so for two reasons. One is because of the time and I was hoping you would be able to leave time for members to have an exchange with you. If you decide not to, fine, we will listen to you for the full hour. I know members would like to have an exchange with you.

Second, as a friendly caution, while members of the Legislature are protected when they are before committees and in the House, witnesses are not. I just wanted to make sure it was clear in your mind that if you were to say something, somebody could use it against you at another point. That is fine, as long as you understand that. I am not cutting you off.

I go back to my problem with the time. Do you wish to continue or do you wish to allow members to have an exchange with you?

Chief Potts: I welcome your intervention. There is a lot more that I could say.

I think, though, for the record, what I am saying needs to be said because there is no point in trying to cover over the reality we are dealing with, the way we see it. I am not here to put forward a picture of indigenous peoples that I know you want to hear. That is not what I am elected to do. I am elected to represent a constituency that has been oppressed for 112 years, and primarily since 1901 when a forest reserve was established in our area by the Ontario government.

I know full well that the members here are not guilty of all of those past infractions and I know full well that members here are not fully informed about the last 112 years. I know all of that. If I am to be charged by calling Ian a racist, then that is fine; I do not have any problems with that. I have referred to him as Dr Jekyll and Mr Hyde before and there were no repercussions from that.

In a democratic society, I think that if you cannot state your feelings from what you have been exposed to and what you have had experience with, then what kind of society are we living in? Am I supposed to talk only the way that society says I can talk? We have been put through a system with that mentality brought in from England, that we are not people unless we talk English and wear English clothes. We are savages if we continue to talk our language, wear traditional clothes or have traditional lifestyles. I think that needs to be put on the record as well.

I have a copy of the statement made by Chief Tonene at the Hudson's Bay store on New Year's Day 1879. I was going to have it distributed now, but I am sure that can be arranged to be distributed to members of the committee at a later time.

In conclusion, I would feel that the forestry issue has a very human dimension to it. With respect to Crandall Benson's plan as to how things should proceed, and the plan is in the back, we need to realize that the forest is only one aspect of the whole life on our lands. We should not gear how we use the land around the forest in the sense that the economic base of our land is established only on the extraction of the forest.

I think the forests need to be understood and the natural life that lives within and depends on the forest needs to be understood as well. We have asked many times that the Red Squirrel Road extension not go ahead, that after a scientific plan or database has been established for the area selection logging can take place, and some of it would be experimental, in a way that

would ensure that there is going to be continuity of life after the logging practices are finished.

The plans for continuity of logging have to look at at least the life of a forest in total, which would be about 300 years. Any logging plan that is based on a 20-year period is certainly not a logging plan that has much of a future to it. There can be shorter time frames in the 300 years, but I would suggest that you need an overall plan of at least that long. We have said 400 years. Perhaps that can be capsulized further. We are not sure.

1630

We remain open to dialogue, to talk, to negotiations, with no preconditions for a treaty of co-existence in the future, not a treaty of surrender. It is important, we feel, that people realize things have to change from the ground up. It is going to take time. I do not know if one of the recommendations could be that there be a special commission, or something to that effect, started to look at the land use; perhaps Ministry of Natural Resources officials being called in camera, under oath, to give evidence about what actually is going on, the realities. Something like that would be much more meaningful.

We have committees like the Temagami Advisory Council. We want a citizens' land use committee in the future as well, but that committee needs its own group to establish its own database so that it is just not looking at plans in the absence of a database from the Ministry of Natural Resources. This is what is happening now with the Temagami Advisory Council.

I will listen to your points. I will answer any questions that you want to ask of me. But I would like to point out and just mention our concerns about Ian Scott. Ian knows my feelings, and I am not afraid to tell Ian to his face that I believe with certainty now that he is a racist even if he does not believe it himself. But I am dramatically encouraging the public that there is another story, that Ian Scott's interpretation of what native rights should be now and in the future is not a satisfactory or acceptable interpretation as far as the Teme-Augama Anishnabai are concerned.

The Chair: Thank you, Chief Potts. A number of members of the committee wish to ask questions of you—Mr Wildman, Mrs Marland, Mr Fleet and Mr Dietsch—so I would urge members to keep an eye on the clock because of our severe time problem.

Mr Fleet: How much time is left at this point?

The Chair: About 10 minutes. We can take a little longer, as long as members understand it cuts into the balance of the time.

Mrs Marland: The members would like a little longer.

The Chair: I have no problem with that, but there should be unanimous consent on that.

Mrs Marland: Speaking for our caucus, I think this is a very important presentation and in view of the fact that we have a cancellation following this time—

The Chair: They have just been rescheduled; it is not a cancellation.

Mrs Marland: No, but I am saying the time is there and we were, as a committee, frustrated with this shortage of time to deal with this whole subject.

Mr Fleet: It comes out of the 12 hours.

The Chair: Yes, that is the point I am making. We have 12 hours and that is not at the discretion of the committee. That is the standing orders of the Legislature, so I just want to reinforce that. I have no objections. If members say they want to go until five o'clock, I have no problem with that, but that is up to members. Is that reasonable for the members of the committee?

Mr Dietsch: The difficulty, as long as we understand it right up front, and I am sure Mr Wildman is nodding in agreement, is that we are cutting down on our report time at the end.

The Chair: As long as that is clearly understood.

Mr Dietsch: Yes, okay.

The Chair: There may be a vote in the Legislature as well between now and then. We do not know that for sure. All right. Let's get on with it.

Mr Wildman: Chief Potts, I understand the emotion and the feelings you must have after going through the history of your people's struggle. I can understand why you might be led to believe certain things and to say certain things. I appreciate your presentation.

You understand that the matter specifically before the committee is the Crandall Benson report which was commissioned by the Teme-Augama Anishnabai. Could you just very briefly explain to the committee what you understand by a holistic approach of management and land use and how, when you say "sustained life," you understand that? That is the first question. The second I will put to you and then you can just answer both.

The other question is that, along the lines of the study, Dr Carmean said before this committee that he believes we know very little about old-growth pine forests and that we need to study

them. You have indicated that there needs to be scientific studies so that no one can use the land at the expense of the environment. You have also said that you believe there should be a study period of somewhere between 300 and 400 years. How do you square that with your other statement that you believe there could be select cutting?

Chief Potts: Our view is that holistic life includes all matters that we deal with on a day-to-day basis on our land. It includes the weather, the water, the forests, all the life forms, which are interconnected, and the human life form needs to be living within that framework in a manner that does not destroy the framework. That is primary, the central principle of sustained life, that each generation has a right to use the lands in the way it wants, but it can only use it in ways which ensure its continuity.

The only way that as human beings we see where we could fit into that holistic and sustained life principle is to be understanding the needs of the other species that occupy our territories traditionally. Once those needs are understood, then you can go about—it is something like game farming, or using the land in ways that protect the integrity of the land and the animal life there in ways that ensure they can replenish themselves. You are not to interfere with them in such a way that they cannot replenish themselves but such that their territorial integrity is protected as well.

I will give you an example. Our area used to be covered with big timber, the whole 3,823 square miles, and timber wolves occupied all of our area. With the removal of the big timber for the majority of our area now, and the bush roads coming in, the timber wolves have been squeezed into a band from the Montreal River south of the Lady Evelyn-Smoothwater Provincial Park, north of the Obabika strip over to the Sturgeon River, which is just west of Pilgrim Lake, south of Stull Lake. There are about six packs running, we were advised by the trappers who are in there, and they have about six to eight in each pack. Their life is within the big timber and their territorial integrity has been compromised or removed on about 80 per cent of our land that they used to occupy before, running in packs, so we have a 20 per cent area left for them.

1640

In a holistic use of the land, logging should have taken place in a way that would ensure the continuity of the timber wolves' rights to run in the forest on all of N'Daki Menan, not just 20 per cent of it. If the present logging practices continue as they have been with the Red Squirrel

Road and the Pinetorch Road extension that is planned, where another 385 square kilometres of land are going to be clear-cut, that area for them to have a traditional home base will have been diminished almost by another 10 per cent or more, with the other logging practices that are coming in, so there would be only 10 per cent of the area of our motherland left for them to feel free in.

Ten per cent is not enough to support the six packs that are there, so there would be territorial fights. As you look at the area adjacent to our territories, there are not very many areas left where the timber wolves can run in. They have all been clear-cut and there are towns moving in. You look at Sudbury on the west of us and the Tri-town area on the right, and every time they venture out into the Tri-town area the farmers get mad at them in that area, so this is the last traditional area in that part of northeastern Ontario that the timber wolves have. That is the kind of sustained life, that is the kind of holistic uses that each species is entitled to on our land.

In answer to the second part of the question, the 400 years, does the select cutting in the interim compromise a 400-year study, no, it does not. And we apologize, and I apologize to the Premier (Mr Peterson) as well, for not clarifying to him that our people have said that while that resolution was passed, it had a qualification on it that land uses would continue in the interim but in a diminished way where they are shown to be harming the area—clear-cutting we feel strongly must be eliminated completely from our areas—and some areas had to be set aside for study to ensure that the generations of people of Ontario had almost an outdoor laboratory to be able to study in.

Certain parts of it, like a select logging program within maybe parts of it, would not compromise the integrity of the forest, but before that selection cutting takes place, we are insisting that parts of land be divided by the natural watershed system and that a scientific study be done, which could take at least two to three years, probably seven years at maximum to complete, before a selection cutting program was initiated to ensure the continuity of the wildlife in that area and the integrity of the wildlife in the area was not compromised, that they were not shuttled into one little patch of woods that was left for them so they had to all fight over the territory that they needed to survive themselves.

So, yes, in a 400-year study program we need to designate this area, acknowledge that it is a very special area. This area has hardwoods. It is

pine forest and boreal forest as well. I guess the scientific term for it is an ecotone area; it is on the fringe of many of the different types of forests that exist in Ontario. It has got some of the highest lands in Ontario and it has got natural drainage systems that are unique, each in its own way. We felt that the interim uses could take place without damaging the integrity of the territory, but at the end of 400 years, everybody would be comfortable with what they knew after the 400 years.

But the main point was—here the politician in me comes out—to get people thinking beyond 20 years, to get them feeling that there is a future, start planning for a future in the year 2387 that will have great understandings, and that this kind of legacy could be handed to future generations in that the citizens of Ontario today and their political representatives were not intimidated by short-term interests to take this kind of step to ensure long-term interests for all of us.

Mrs Marland: You have made a very profound presentation this afternoon. I have not had the privilege of hearing you before.

When you say that patriotism is hard to put into words but it is embodied in the stewardship of the land, I think that you are a living example of exactly that, and when you say that when it comes to the land we must move away from the partisan system, I have to agree with you totally. I know you are totally disillusioned whatever the government is, because, in your opinion, no government in this province has yet treated you or your people fairly.

I know that our government was moving towards a full environmental assessment hearing on the extension of the Red Squirrel Road. I know that there was a collective decision between the Minister of the Environment and the Minister of Natural Resources who made the announcement two years ago that that full environmental assessment would not take place. Do you think in any way that, had that extension been subjected to a full environmental assessment, there might have been an opportunity for your concerns and the concerns of your people to have been heard and to have been addressed?

Chief Potts: It would depend on how the study was framed. It has been our position that we would not recognize Ontario's jurisdiction on the land area. A study that is going to be comprehensive in nature goes hand in hand with the 400-year study that we are talking about. If I understand your question correctly, you are asking if would we have participated in that.

Mrs Marland: Yes, and do you think some of the things that you are so frustrated with because they are still not being addressed, they are still not being listened to, might have been addressed through a full environmental assessment that we might have been through now had that taken place?

Chief Potts: If the environmental hearings were structured properly, all of the concerns that we had would have become known to the committee. People like Walter Becker would be able to talk about what the roads have done to the integrity of the forested areas and that kind of information would have assisted the committee to realize that you cannot do an environmental assessment study on a roadbed and wear blinders to not address what the roadbed is doing to the forest adjacent to it.

Mrs Marland: We could at least have had cutting plans where we would have been able to identify sensitive areas through the cutting plans, which I asked the government to table and it would not table.

1650

Chief Potts: The cutting plans are one aspect of it, but the environmental aspect we are most concerned with is that, prior to rights of way being cut and roads established, a database be established on the animal life that is in those particular areas and that cannot learn to speak English, to come before the committee hearings to make its representations on what it is going to do to them if this road goes through. That is the fundamental premise of any land use changes or any environmental assessments. You need to understand the environment that you are going to be dealing with.

A holistic, broader approach would have assisted—there is no question of that—because it is a process where the public needs to be learning as well. If they went in with more environmental assessment studies they might have found the 3,000-year-old sites that they suddenly discovered this fall on the road right of way of the Red Squirrel extension. They moved the road right of way approximately 25 feet away from where the site is.

The archaeologist John Pollock said he needed more time to fully evaluate the site. I was at the meeting. Bob Griffith, the local district manager, told him that he cannot give them more time to properly evaluate that site because of the 31 December deadline that they were facing.

That was an example again that the environmental assessment was not in fact done properly. They are trying to do damage control right now to

ensure that the road is built. They are also trying to get us involved in the forest management after the road is built. We have illustrated quite clearly that this would be legitimizing the road and the theft of our resources by the ministry and we could not be involved in that.

We insisted that the road construction be stopped. It is not necessary. You can have other access through that area by horses or in winter, the way they used to do it about 30 or 40 years ago, after proper studies were completed. They have ignored that. They feel that the road must go through at all costs. That is the situation that is going on today.

Mr Fleet: I note the time is particularly short, so I will cut down on my comments in order to allow Mr Dietsch some opportunity to speak. It is not so much a question. I found your presentation educational in ways I did not anticipate. I thought some parts were quite moving and informative about problems of the injustices that have gone on over the years as well as details of ineffectual management and problems that you encounter on a day-to-day basis and that people elsewhere just do not have a comprehension of. But I also found some tremendous inconsistencies that made it hard for me, speaking personally, to be particularly persuaded by the force of some of your arguments.

One of the advantages of your coming down here is that I think I have a sense of what you called sustained life being somewhat different from the notion of sustainable development. There are certain value differences that are inherent in what you have to say. But in the final analysis, when you get an individual or a group of individuals with whom you are in disagreement and they essentially stand in your way or hold views that are not the same as yours, it seems that they become characterized as racists or liars. I began to think: "Gee, if I do not agree with him, am I going to be labelled that too. Is the next person in line who does not agree going to be labelled that too?" It makes it very difficult for somebody who is listening with an open mind and an open heart to accept at face value everything that goes on.

I can appreciate you have a legal as well as a political fight and that the language you employ is designed to attract attention from media as well as from people around this table. Lots of other groups do that too, and you are neither the first nor the last. I am not too worried about the hurt feelings of Ian Scott; I think he will tough it out without too much problem. That is not the thing that is bothersome to me.

I do not want to be unfair to you, but there were some implications of distinctions that you drew according to whether people were born of one set of parentage or another. Apparently you and I both are half Irish. I do not particularly regard that as a negative or a positive one way or another. Somehow it seemed to have some implication to you.

I want to say that my view of the world is that I do not approve of the past injustices that have taken place, but neither can I be expected to nor do I feel like I am guilty for their having taken place. I would like to correct any that I can, wherever I can, with any group of people regardless of whose forbears did what to whom or why. I guess my sense is that when it comes to the very complex problems of land management, perhaps some of the language, although I appreciate why you may have used it, reflects an attitude that does not engender the kind of co-operation or positive approaches that in fact you otherwise espouse. I guess in that sense it is a missed opportunity when that happens, from your perspective, as best as I can understand it.

But I did find it useful in many other ways. I am glad that you took the time to come down here and I did find it useful in terms of getting a better understanding of the value systems that you attach importance to. So thank you, and I hope I can provide some measure of reflection for you as well as you have for me.

Chief Potts: I would like to respond quickly just by pointing out that my mother is Irish. I pointed that out in the context that Mr Justice Steele had said that in his decision to diminish my credibility as a witness on behalf of the Teme-Augama Anishnabai. When I said that the Ministry of Natural Resources is a liar when it says that it is managing the land properly up there, I can provide evidence to show you that is true. When I say that Ian Scott is a racist, I can provide evidence to show you that is also true.

I feel bad that those words have clouded, in your mind, the message that I bring here today. They were not intended to do that, because they are words that have a factual basis to them. How unpleasant they sound to you or how you interpret them is your prerogative and your right as an individual to draw those conclusions.

I take issue with you when you compare what I am saying and how I am saying it to a tactic that activist groups use to draw attention to themselves. We are not an activist group; we have never been an activist group. We are a distinct micro-nation of people who have lived in an area for 6,000 years and have struggled for justice for

112 years and have no intention of compromising our struggle for justice or altering our language for cosmetic purposes so that some people are not offended. Our style and drive that keeps us going is not to offend but to state in fact what is happening here and establish, hopefully at some point in the future, grounds for a cross-cultural dialogue that has a meaningful end result based on a treaty of co-existence which has mutual respect for all people.

The Chair: I want to thank you very much for your appearance before the committee. When we set up the time we all knew the problems we were going to have, and there was intense interest in your struggle. I can tell you that all of the members wish we had a lot more time, not just for your presentation but for the entire issue. We wanted to travel to the Temagami area and get a first-hand look at everything as well, but I will only say once more that we were restricted by the standing orders of the Legislature to 12 hours if we were going to hear from anybody at the representative hearings.

Mr Dietsch: Are you cutting me off?

The Chair: No, I did not cut you off. The committee agreed that we would adjourn.

Mr Dietsch: That is why I just thought I would ask whether you were sitting until six or not, but you have decided to quit at 5:00 and so be it.

The Chair: Yes, I think that was in agreement with the committee, so we had better—

Mr Dietsch: Because I thought I had a valid contribution that I would like to very quickly share with the committee.

The Chair: I have never seen you have an invalid one, Mr Dietsch.

Mr Dietsch: That is a good point. Therefore, I should just go ahead and make my comment.

The Chair: As long as it is brief.

Mr Dietsch: I appreciate Chief Potts taking the time to come down. I have become very worried about the court system and the justice system and when individuals take it upon themselves. I can understand the passion with which you speak and I appreciate that very deeply. I almost hesitate to speak because I am half Irish too. But none the less, I have become a bit worried by that kind of a concept, especially when those of us who are sworn to uphold the law, like the leader of the official opposition, then take the law in their own hands. That bothers me a lot, and with that I will not go into the rest of the comments that I have.

Mr Wildman: The position taken by the leader of the official opposition has nothing to do with Chief Potts.

The Chair: Final word to Chief Potts.

Chief Potts: I would just like to point out that there are many struggles taking place throughout the world. Ours is just one of them. They are all being dealt with and handled in many different ways. The Berlin Wall is coming down; that wall indicated oppression.

Hopefully the walls of ignorance will start to fall here in Queen's Park with regard to the Teme-Augama Anishnabai and that they will realize that when our people are out there being arrested, being charged with mischief under the Criminal Code, that is a page in our history and that history, in time, will look back at that and our people will not be known as criminals. Our people will be known as heroes who stood up in the face of injustice and would not succumb to the ignorance that is continuing here at Queen's Park in Toronto.

The Chair: On behalf of the committee, Chief Potts, thank you very much for your appearance.

The committee is adjourned until tomorrow afternoon at 3:30 pm.

The committee adjourned at 1703.

CONTENTS

Wednesday 22 November 1989

Temagami district resources	R-83
Teme-Augama Anishnabai	R-83
Adjournment	R-94

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Chair: Laughren, Floyd (Nickel Belt NDP)

Vice-Chair: Wildman, Bud (Algoma NDP)

Dietsch, Michael M. (St. Catharines-Brock L)

Fleet, David (High Park-Swansea L)

Lipsett, Ron (Grey L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miller, Gordon I. (Norfolk L)

Pouliot, Gilles (Lake Nipigon NDP)

Riddell, Jack (Huron L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Substitutions:

Brown, Michael A. (Algoma-Manitoulin L) for Mr Riddell

Pollock, Jim (Hastings-Peterborough PC) for Mrs Marland

Also taking part:

Marland, Margaret (Mississauga South PC)

Clerk: Mellor, Lynn

Clerk pro tem: Deller, Deborah

Staff:

Luski, Lorraine, Research Officer, Legislative Research Service

Witness:

From Teme-Augama Anishnabai:

Potts, Gary, Chief



CAZON
XC 13
-576

No. R-6

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Resources Development
Temagami District Resources

Second Session, 34th Parliament
Thursday 23 November 1989

Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

Hansard subscription price is \$16.00 per session, from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Thursday 23 November 1989

The committee met at 1533 in committee room 1.

TEMAGAMI DISTRICT RESOURCES (continued)

The Vice-Chair: I see a quorum. The standing committee on resources development is in session. We are dealing with the forest management of the Temagami region and the Crandall Benson report which has been referred to the committee. We have before us the Temagami Forest Products Association. Welcome gentlemen and we appreciate your coming to the committee.

Perhaps you could introduce yourselves and then we could proceed. We have an hour for your presentation. I know that is a truncated period of time, but unfortunately the rules of the Legislature provide us with a total of only 12 hours to deal with this matter. You may use the hour as you wish, either for your presentation completely or you can make some remarks and then open it up for an exchange with the members of the committee. We will turn it over to you.

TEMAGAMI FOREST PRODUCTS ASSOCIATION

Mr Hearn: My name is Phil Hearn. I am the co-ordinator of the Temagami Forest Products Association. We will try to split the hearing up to about 35 minutes of our talk and open the rest for questioning.

The five companies represented today are here because we consider this concern is more than just the one-company concern that has often been portrayed in the media. In fact, the company at the forefront of a lot of this issue, William Milne and Sons Ltd, in Temagami, will not be making a presentation today. We felt the five companies concerned could show that this issue will impact on a much greater area than other groups you may be listening to would have you believe.

The Benson report is a big document. People are very busy. They have taken what time they can to study it in the short time given and they will present today what they have gleaned from the report.

On my immediate right is John Wilson, vice-president of Liskeard Lumber in New Liskeard. Next to him is Frank Knaapen, a

forester with Tembec Forest Products Inc from Mattawa. Next is Ron Magee, chief forester with Grant Forest Products Ltd in Englehart, followed by Mike Shusterman, manager of wood supply for MacMillan Bloedel in Sturgeon Falls and, finally, Marc Goulard, general manager and director of Goulard Lumber Co, also of Sturgeon Falls.

I will hand it over to Mr Wilson.

Mr Wilson: Thank you for the opportunity of allowing our association to address your committee.

My name is John Wilson. I am the vice-president of a privately owned lumber manufacturer called Liskeard Lumber Ltd, based in new Liskeard, Ontario, which is located within the Temagami district.

First, I would like to state that the Benson report is a report published by the Temagami Indian band, paid for by the Temagami Indian band and largely biased in its favour, stressing the band's views of forest management.

Next, it is very important to separate the two issues being discussed: (1) the Indian land claim; (2) forest management in the Temagami area. The two issues are totally different in nature and one issue should not be used as a smokescreen for the other.

The Indian land claim, which has been before the courts since 1973, covers approximately 110,000 square kilometres of land. Because of the claim and the resulting court action, this land mass has been totally exempt from mining or any other development and growth throughout these past 17 years. The Indian band has used every legal possibility and accompanying appeals to prove its case. All claims have been rejected by the courts. However, the area remains strangled by a lack of development.

The publishing and utilization of the Benson report is an effort to prove mismanagement by the Ministry of Natural Resources. It is also an attempt to support the land claim by discrediting the ministry.

It is the forest industry's belief that the Ministry of Natural Resources has been and will continue to be a better manager of our forest resource than would be the Temagami Indian band. This is not saying that our ministry practices cannot be changed or improved upon in

the management of the Temagami forest. I will leave this discussion to the professional foresters in a few minutes.

I feel it important at this time to mention the existing protected lands within and surrounding the Temagami forest. The Lady Evelyn-Smoothwater Provincial Park, as shown on the map behind you, was established in 1983 and encompasses 180,000 acres of forest land. Waterway parks, as established in 1988, form another 55,000 acres of protected forest land along with the 35,000 acres of skyline reserve surrounding Lake Temagami.

These reserves in total comprise over one per cent of the land mass in Ontario and contain 30 per cent of the talked about old-growth forests. Maybe this does not seem like a large amount of land. Perhaps not, but remember, it is not your backyard and it is not crippling your economy.

Our economy: what is the forest resource to our economy? You should realize that the forest industry in our area employs 25 per cent of the population and benefits many additional persons via spinoff effects.

I feel it is sometimes difficult for an outsider to understand our northern economy. Our economy is largely based on the utilization of our natural resources and, due to the fluctuating demands for our products, it leaves us with a very fragile situation.

1540

We constantly hear shouts telling us to diversify, to enhance manufacturing and so on. Diversification is a goal in our northern economy, but resources will have to continue to be the backbone of any new industrial growth in the north.

What about tourism? Tourism is wonderful and necessary, but let us define tourism. Tourism is the use of another area by a visitor and so, hopefully, it leaves an economic benefit to the visited area.

Many people, including wilderness advocates, have developed a philosophy of preservation in an attempt to attract wilderness tourism and canoeing enthusiasts to our Temagami region. This is good, but it will only entertain five per cent of the total population and will allow for very few, and low-paying, seasonal jobs. When I say "low-paying," I mean minimum wage and when I say "seasonal" I mean three months out of a 12-month year.

We are not destroying our forests. We are utilizing a renewable natural resource through the most economic and environmentally safe

procedures available, as set forward by the Ministry of Natural Resources.

It would be criminally wasteful to our forest and totally crucifying to our economy if the sawmilling in our area was not allowed to continue without being constantly faced with land claim court cases and parks proposals that seek to remove productive forest lands from our industry.

What effects are the land claim and park proposals having on our region? The effects are real and unfortunately they are all negative at a time when northern Ontario needs positive influences to overcome our problems.

Three months ago, I read a letter from a small warehousing company that had made a commitment to locate in Timiskaming. The letter read, "Due to the unstable and somewhat hostile environment of your region, it is our company's decision not to locate there at this time."

Recently, two small tourist outfitters were promised larger lines of credit in order to expand their operations. Both business operators found the moneys unavailable at the last minute.

A local sawmill operator was recently offered a larger line of credit due to an increased inventory. This banker withdrew the promise. Why? Because all our banks are nervous. Why are they nervous? Because of reports, such as the one we are studying, which continually dwell on totally negative information and never seem to give credit to the positive side of any situation.

Yes, there is a positive side. In the last 12 months alone we have seen investment in value-added products in our industry totalling more than \$150 million. These investments employ an additional 300 people in the forest industry and add an expanded use of our forests.

The utilization of our forests in a long-term plan is the goal of our industry. Our industry wants to see the progression of all facets of all feasible industries and is willing to share our resources within a multiple-use framework to accomplish these goals.

Industries such as tourism are welcomed. Projects such as Maple Mountain and other destination resorts would bring a desired positive cash flow to our region. Recent developments in Temagami and New Liskeard are proof that we can draw paying customers to our area and that these examples do create positive spinoffs to our economy.

In concluding, I wish to say that our industry, the forest industry, looks forward to the future and is willing to accept any possible management practices which better utilize our resources. It is

our feeling that these practices can be best initiated and implemented by the Ministry of Natural Resources in co-ordination with the member companies involved and not through the class-C literature search, namely the Benson report, published by a few well-paid academics for a single interest group—namely, the Temagami Indian band.

Mr Knaapen: We all understand the expression "Monday night quarterback." The report by Professor Benson et al is viewed as a Friday night quarterback. To use their own hot-water-tank analogy, the report complains that there was no hot water last year but fails to see what is happening now or if there are any repairs being made. Much of the report's criticism of the Ministry of Natural Resources is valid. However, what is going on right now in the ministry? What other means are there to regenerate white pine? What is old growth? What are the consequences of the two allowable cutting methods? What is the industry's view on silviculture systems?

The present MNR: there are three important changes in the MNR not mentioned in the report. First, a computer made the report by Benson. The MNR had no such ability in 1960 and had only a few in 1980. Now there is one in every district. As such, their planning, analysing and monitoring are much more accurate and up to date. Second, many forest users are participating in the timber management planning process. It is a first for members of the TFPA to be heard by the MNR. Our knowledge and experience are now being added to the pool of forestry knowledge. Finally, a new silvicultural guide to the white pine and red pine working group has been drafted by the MNR and is awaiting publication. All this can only make the Ministry of Natural Resources more efficient and productive.

Another method for regeneration: the report states the present methods for regenerating white pine. What it fails to cover is herbicides. Could it be because it is environmentally questionable despite its success? Even the Ontario Professional Foresters Association, in its 1980 report, states, "The failure to successfully control hardwood competition appears to be the leading cause of regeneration failure," and "Either hard cleaning or aerial spraying with herbicides is reported to be necessary."

Old growth: there is no acceptable definition of or criteria for "old growth" for any species in Ontario. For the report to use American references such as Davies and the Society of

American Foresters is misleading because climate, soils, conditions, etc., are different. Also, it is an injustice for this report to imply that the MNR is performing euthanasia on white pine. The term "old growth" is being used to instil passion and disharmony with the misinformed public.

According to the stand data for Ontario by the central Ontario forest technology development unit, the largest old-growth pine stand is in Ellis township in Lady Evelyn-Smoothwater wilderness park. The same data show that 10 per cent of old-growth pine is within parks and protected from harvest. As well, outside the parks an additional 10 per cent to 20 per cent of old-growth pine is within areas of concern. Also, additional areas are bypassed due to inaccessibility for harvesting. Hence it is likely that as much as 30 per cent of old-growth pine is already preserved from cutting.

As well, according to the MNR, 30 per cent of the mature forest in Temagami is already protected. This is three times the provincial average. In addition, the Lake Temagami skyline reserve contains the largest area of mature pine in the province. Is this not enough? Is this fair? How is it that farmers do not have old-growth fields or livestock? Why is it that households are fined if they allow their lawns to become wild?

Allowable-cut consequences: we are disappointed that the report does not treat clearly and fairly the methods of allowable cutting. First, a normal forest is a hypothetical forest that is fully regulated or 100 per cent stocked. This is impossible to find in nature. Nevertheless, it is used by foresters as a yardstick.

Second, the report defines "acceleration factor" backwards. In simple terms, it is actual average age divided by normal average age. The MNR uses the acceleration factor to get the actual or existing forest to the normal or regulated forest in an efficient and orderly fashion within one rotation. However, many factors delay this aim, such as access, disease, fire and insects, and such socioeconomic factors as social attitudes, markets, labour supply and technology affect the figures. The acceleration factor is not a privileged decision but is based on sound scientific research. It is used to reduce loss of timber by death, decay, insects and a shrinking land base. The total yield from a normal forest would be lower than the actual forest during the rotation period.

1550

Third, it is irresponsible for the report to cloud the issue by using the words "sustainable yield"

in the manner undertaken for allowable cut. Davis and Johnson do not hold claim to these words. Even without knowing the report's data we can safely say that sustainable yield should be replaced with normal yield. Hence, it is hypothetical and impractical to administer in the existing white pine forest. It is wrong for the report to assume that the forest is constant and linear when it is actually dynamic and fluctuates. The major disadvantage of their sustainable yield is that it eliminates some flexibility for response to the short-term, cyclical changes in economic activity.

Nevertheless, the TFPA is well aware of the consequences of either method of calculating allowable cut. To suddenly reduce the volume by half, as mentioned in the Benson report, as indicated for sustainable or normal yield, would also reduce the existing mills by half. Which ones will close? Who will decide this drastic fate of a community? But with the ministry's method there is time for the pine mills to adjust or close down, but by their own decision. This is happening right now.

Silvicultural systems: The TFPA would like to emphasize that it is the responsibility of the MNR to manage our crown land. There are no forest management agreements in the Temagami district. As such, we should like to clearly state our position on the silvicultural system or harvesting system that could be used in the Temagami district.

There are only two acceptable methods of cutting pine stands: shelterwood or clear-cut. The uniform shelterwood system is the preferred system for harvesting and renewing white pine. It is also recommended for red pine where other multiple-use objectives supersede the importance of timber production.

In the application of the uniform shelterwood system it is necessary to selectively mark the trees to be cut, such as mature crop trees, defective trees, high-risk trees, weed trees and crop tree crowders. In situations where marking cannot be undertaken due to lack of MNR funding or manpower, diameter limit is an acceptable replacement for uniform shelterwood.

Strip shelterwood is appropriate in pure white pine stands which are too dense or insufficiently windfirm to be selectively marked and cut by uniform shelterwood. However, strip shelterwood is not recommended where there is rugged terrain, which precludes directional mechanical operations.

Clear-cutting is an acceptable way of harvesting. Its primary application is in poorly stocked mixed-wood stands or in stands where the white pine weevil or white pine blister rust have interacted with the host to such a degree that the merchantability of the timber is seriously affected. This system is most appropriate where red pine is the target species for regeneration.

Patch clear-cuts are desirable because the physical dimensions can be modified to accommodate site and stand utilization, but the size of the cut will be limited by the terrain and changing stand conditions. The more even-sized or even-aged red pine stand or component is the more suitable to patch clear-cuts. Strip or block cuts are the same as strip shelterwood, but they remove the entire strip or block in one harvest cut.

The seed tree cut method may be appropriate where white pine stands stocking or density are inadequate to permit application of the uniform shelterwood system or because of limitations imposed by the site or stand conditions. This variation would also be suitable in areas depleted by fire, insects or disease. But this system is less suitable to red pine because this species has more demanding establishment prerequisites and good seed years are less predictable. It is important to note that seed trees are more susceptible to blowdown.

Summary:

1. The Ministry of Natural Resources is doing a better job now than in the past.
2. If it is shown to be environmentally sound, herbicides should be used to ensure regeneration of white and red pine.
3. The passion behind old growth should be put to rest since there is enough area protected and/or managed.
4. The MNR allowable cut method is less drastic than the Benson report's normal or sustainable method.
5. When and where possible, the TFPA would prefer to see the MNR manage white pine stands under the uniform shelterwood system and manage red pine stands under the patch clear-cut system.

Mr Magee: Good afternoon, my name is Ron Magee. I would just like to say my forestry career began with the Ministry of Natural Resources in the North Bay and the Temagami areas, mostly scaling white pine in the early 1960s.

In regard to Benson's paper, my initial comment is that it is quite selective. The way he has presented it is quite biased and a very similar paper could be put together on a lot of the areas of

Ontario where there are crown management units. Specifically, on page 10, there is an outright error. The Shining Tree management unit plan is due in 1991, not 1989.

In my opinion, there is bias in the way it is presented. On page 27, figure 7 suggests that there are undesirable species in the white pine plantation. Maybe they are good as a nurse crop. But I would suggest that he portrays it as being undesirable, like a rat is an undesirable animal in a chicken house.

The report has some good points. He suggests on page 47 that smaller white pine could be used for studs. Studs are the vertical two-by-fours in your house, and certainly we look upon them as being jack pine or spruce, not white pine. White pine is used predominantly for furniture.

The report has some good points. It is difficult to convert stands to white pine. A knowledgeable forester is stymied by MNR bureaucracy. It is expensive to convert the white pine stands. There are tremendous problems in regenerating white pine artificially. Poplar is a good nurse crop for white pine. Benson also suggests that forest changes with time. I am very glad to see that in print because all foresters certainly realize that the forest is not stagnant, that it grows and dies. Sometimes we feel the people we deal with think it is going to remain constant for ever.

I would just like to comment on the area. We have it on the map there. To the north is a boreal forest, to the south is the Great Lakes-St Lawrence forest region. The areas mingle and meet in the Temagami area, which makes it rather unique. To the north there are jack pine, spruce, poplar and white birch stands and further to the south is predominantly hard maple now, with white pine and other tolerant hardwood mixed with it, some poplar and white birch. In the red area, which is the park now, there are some very successful jack pine plantations and to the north of the park in the study area it is predominantly a boreal forest area. Jack pine is the predominant species there.

I would like to comment on the history of management plans in Ontario, specifically with white pine. White pine traditionally was cut in the winter. The northern highway from North Bay had many white pine mills that are not there now. J. B. Smith's had a very large mill at Callander that brought wood from the Red Cedar Lake-Marten River area. Field Lumber took wood from there. There were two very large mills right at Marten River: Hill Clarke Francis and the Christie Lumber Mill. There were two large mills in Temagami: Temagami Timber and

Gillies Brothers. All were there in the 1940s and 1950s but are certainly not there now. Commercial white pine cut—in those days the companies kind of had townships for limits and they cut them, and in their wisdom closed the mill because the other species were not merchantable to cut.

1600

The other thing I would like to point out is that other species were not cut when the white pine was cut. There was quite often an understorey of other species but the other species were not taken out. There was a predominance of older-age classes of white pine, suggested perhaps because one of the reasons was that fire control took place at the early part of the century, so very little white pine existed under 100 years.

The foresters at the time elected, as mentioned in the management plans, to liquidate the working group of white pine, not the species, but where the working group or the predominant species was white pine, it was cut with very little thought given to regeneration. Sometimes there were seed trees marked or a little bit of scarification done to try to encourage white pine where there were funds available and where aesthetically it was something to do.

I should point out that the other species were not cut because there was no market for them. I think foresters throughout the world evolved through markets. Until there is a market for the tree, it is not cut and therefore it is not managed. A lot of the past management plans were written based on almost a cookbook routine that came out in the early 1950s, where certain working groups had a certain specific silvicultural treatment done to them.

They were prepared kind of in a vacuum. They were all subject to government funding. A forester could write a beautiful management plan and have it approved. He is going to treat this many acres, he is going to do this, he is going to convert a site class three poplar stand to conifer, but lack of funding, and quite often lack of nursery stock, prevented it being done.

I can recall being in districts where there were maybe four or five management units. There were a certain amount of trees and a certain amount of funding and we had to have meetings to decide who was going to get what trees and what money. It was generally given to the management unit that had the better site. So, in effect, even from the 1960s on, the money was spent where it got the best return. I could suggest that the Temagami area being the top part of the economic zone of the white pine, some of the

region's money ended up in the North Bay-Sudbury area rather than up in the Temagami area.

Present operations: I would like to suggest that almost all of the management units in north-eastern Ontario have a skewed age-class distribution. There is a lot of mature timber; there is not that much younger timber. Why? A lot of it is fire origin. Certainly where I am, the Haileybury and Matheson fires all were in the early 1920s, so there is a lot of timber there now that is in the 65 to 70-year-old age bracket.

Rightly, that should be cut maybe at an accelerated rate because after 100 years certainly the rot is going to be increasing faster than it is growing, particularly for poplar. That happens certainly in the 60 to 80-year age class where the growth curve is quite rapid at first and levels off. A lot of the poplar in the Temagami area has certainly been cut on the downside of the growth curve. The 100 to 120-year-old poplar could have been cut when it was, I will suggest, 70 years old and have the same volume per acre.

If accelerated cuts take place, there certainly has to be a place where the slack can be picked up at a later date, and there is where I feel good because the ministry in the northern region, that is the region based out of Timmins, is instituting a poplar study to look upon the area as a whole, rather than having each management unit calculate its allowable cut in a vacuum to supply the mills there. With transportation changing, a person can pull wood an awful long way and maybe it makes sense to cut heavy in one area, knowing that there is some younger wood that can be cut someplace else.

In Temagami, I feel good about the white pine. The ministry has documented success from about 1984-85 on. They are regenerating more than is being cut. For the future, I feel that we need some more education and public relations. Certainly 80 per cent or more of the people live in southern Ontario, as is mentioned in the paper, and it is essential we communicate with them. I just wrote down some company names here: Timberjack Inc, Clarke, Koehring, Caterpillar, the Oregon chainsaw people and Gearmatic winch people all have their factories or their assembly plants in southern Ontario and most of their equipment ends up in the bush in the north.

I feel forestry in the area has a great future. The mill in Haileybury, Rexwood, and Grant's mill in Englehart, have both gone through very large capital expansions and they are there for the long run. Personally, I look forward to practising

forestry in the Cochrane-Sudbury-Timiskaming area, including Temagami, for a long time.

The Chair: I assume now we move to Mr Shusterman. I am keeping my eye on the clock so that there is time at the end for an exchange with members of the committee I hope.

Mr Shusterman: Good afternoon. The Temagami forest is as mixed vegetation-wise as are the groups that have an interest in the decisions being made about its future. However, it is the local residents, industry and forestry people who know best the proper direction to follow. This direction involves managing the Temagami forest, so it continues to provide benefits for all concerned.

Yet the government continually fails to recognize the forest industry. Instead, it funds environmentalists, native groups and academics who are often not experienced in the practice of forest management. The government has not asked the local forest industry to prepare a report or study, only a request to make yet another trip to Toronto to present comments on a slanted, biased, repetitive and negative report.

The forests of Temagami are not unique. This forest is very similar to Quetico Provincial Park. Quetico is also a changing forest, changing because of the introduction of fire suppression, that has not allowed the pines to regenerate. Logging is even banned in Quetico, so there is no hope of a pine forest in the future according to Professor Day, who has studied both Temagami and Quetico pine forests.

The Temagami forest in itself is not unique. It is not different from other forest regions of Ontario in its demands. The Temagami forest is unique in one unavoidable aspect, however, that being its proximity to Toronto. The Temagami forest is also not a barren landscape, as Benson's report would lead you to believe. Forest management in Temagami is beginning to show benefits. It is even stated by Benson that, since 1984, renewal efforts have surpassed harvesting.

The forests of Temagami have changed over the past 80 years, but this was due to the decision to introduce fire suppression after the First World War. The MNR does not have a "let burn" policy and, since white pine is not self-perpetuating, a ground disturbance of some form is required.

The forest industry has adapted to the changing forest, to this mixed forest. Mills, such as the one I represent, MacMillan Bloedel in Sturgeon Falls, require a supply of poplar and birch, trees that this report finds undesirable, even though 400 people's jobs rely on these species to

continue to produce corrugated medium and hardboard siding.

Other mills affected by Temagami are Grant Forest Products, again a poplar user, that produces waferboard. Goulard, Liskeard and Milne Lumber use white and red pine, jack pine and spruce. Tembec uses maple and other hardwoods and Field Lumber uses small-diameter logs, such as jack pine and red pine from plantation thinnings. The needs of these mills are being met despite the shrinking land base. One quarter of what was once productive will now become overmature and benefit nobody.

We have the knowledge and experience to manage the forests effectively. Certain areas require certain prescriptions, and we realize this. We have the knowledge to continue to develop our resources.

The MNR changes its policies and staff, but we remain through these changes trying to adapt, but still are considered puppets of the single-use groups and governments. As Dr Baskerville was quoted in Benson's report, "The dedicated and concerned managers are limited in their ability to manage by lack of manpower funding and bureaucratic rules of the organization."

This report recognizes that pines are difficult to regenerate, yet does not acknowledge practices that have been successful. We have the knowledge. We do not need more and more studies from every interest group trying to make a quick dollar, receive some notoriety or further delay decisions. The past five to 10 years have shown we are on the right track. If we are allowed to work together with the local MNR, we can all be winners and still provide the employment opportunities that are ultimately sought in this report.

1610

Mr Goulard: Good afternoon. My name is Marc Goulard. I am secretary-treasurer and general manager of Goulard Lumber (1971) Ltd. I have been working with the company for the past 20 years.

I will not be talking about the Benson report. Instead, I would like to talk about our company and some of its functions.

This company, Goulard Lumber, was founded by my grandfather in the late 1940s. It is a family business now in its third generation and hopefully it will go to a fourth generation. We have a \$5-million operation and employ approximately 70 workers.

Maybe to you people it does not mean much, but for the town of Sturgeon Falls it means a great deal. If you would compare Sturgeon Falls with

Toronto, losing 70 jobs would be represented by thousands of jobs lost in Toronto.

For example, just our company has 20 vehicles and about 19 pieces of heavy equipment. Just the maintenance and repair of this machinery becomes very costly. Most of these parts are bought in the Sturgeon Falls and surrounding areas. For example, just on gas and fuel, we spend over \$300,000 a year.

Our company and family are involved in many organizations and other functions which, in turn, help the people and the economy of Sturgeon Falls.

Besides our sawmill in Sturgeon Falls there is MacMillan Bloedel, which is the number one industry. They depend on our company and others in the surrounding area to supply them with chips and pulpwood. If MacMillan Bloedel does not have enough wood supply from the smaller mills and jobbers, it would probably close down or move its operation somewhere else. Then Sturgeon Falls would probably become, as some would call it, a ghost town. Therefore, as you can see, without forestry we cannot survive. We are just like a big family that needs each other.

Four years ago, our sawmill burned down. Before rebuilding, we asked ourselves if we had enough wood supply and for how many years. At that time the Ministry of Natural Resources figured that we had enough to keep us going.

For the past few years, there has been more public involvement and political indecisiveness, which creates uncertainties in the wood industry. Since the public is involved, it seems to be more of a political battle, leaving the industry with great uncertainty.

For example, in 1983 we were given permission to go ahead in the north of Delhi township. That is in the Temagami district. We had public meetings and we went through all the right channels and it was signed and accepted by the minister to go ahead and cut in that district. Late in the spring of 1989 it was accepted again, with recommendations by the Temagami Advisory Council, and we went ahead and built a road into that area with government assistance. Now we are in November of 1989 and they have decided to delay it again for another year because of environmental issues, which to the wood industry does not make any sense at all.

However, what does make sense is that over 30 per cent of old-growth pine in Temagami is already protected. This is three times the provincial average. Temagami has the largest old-growth pine reserve in Ontario, which is

Lake Temagami's skyline reserve. Over 1,000 square kilometres of forest land is permanently removed from timber harvesting. The largest old pine stand in Ontario is located within the Lady Evelyn-Smoothwater park.

Why are there no special studies taking place in these vast reserves? Why is it necessary to study just 585 hectares of forest in the so-called Wakimika Triangle? It is a hell of a coincidence that this area of special study happened to be the next area scheduled for harvesting.

On behalf of the people in the wood industry in our area and others involved, please study this issue very seriously in all aspects, because most of the Benson report has been outdated for the last five years. The report seems to accentuate the lumbering practices of the past 10 years, but very little has been said about the improvements which have been displayed by the MNR's new techniques for the past five years.

The Chair: Thank you, Mr Goulard. That completes the presentation, does it? Thank you very much.

There are a number of members who want to ask questions. I just have one. In Mr Wilson's paper, which I have here, it says on page 2, in the third paragraph, "Waterway parks as established in 1988 form another 55,000 acres of protected forest land," and then you say, "along with the 35,000 acres of skyline reserve surrounding Lake Temagami."

The reason I raise that is that when people from the ministry were here on Monday they said Lake Temagami had a skyline of approximately 6,000. We are talking hectares and acres, for one thing. They said 6,000 hectares, but that is about, what, 13,000 to 15,000 acres?

Mr Wilson: It is 15,000 acres.

The Chair: You are saying 35,000. It is still out by more twice as much. I just do not know where the—

Mr Wilson: Perhaps the ministry is using a pine figure and I am using an overall acreage figure of skyline reserve. I am not sure.

The Chair: They could be using strictly old pine?

Mr Wilson: It could be strictly old-growth pine they are talking about.

The Chair: I see, okay, that probably explains it then.

Mr Pollock: I can certainly appreciate some of the comments made here about the importance of the forest industry to the area, because I would say the northern half of my riding depends heavily on the forest industry and it is a major

concern of mine. We have a few major plants. Comboboard is one of the ones in the Bancroft area that depends on a major supply of wood—not good lumber, just chipboard or chips, that sort of thing—so I can appreciate your concerns and the fact that it provides a lot of jobs in that area.

Having drawn some logs into a sawmill with a team of horses, I do not totally relate to the new modern machinery, and having a small bush of my own, I more or less think along lines of selective cutting. I know maybe in certain areas that does not work best for an area, but I would just like to know your comments. Selective cutting seems to be what some people aim for. Is it totally wrong to have selective cutting and not clear-cutting? Who wants to tackle that?

Mr Knaapen: For tolerant hardwood, you could do selective cutting. That is species species like maple, oak, beech and so on. That works very well because the trees are able to generate underneath shade, even heavy shade. Where trees are intermittent, like white pine is, it can do with a bit of shade. If you have full sunlight, it then gets damaged by frost and the white pine weevil.

For other species, you have to understand the genetics of the tree and the way it grows. Species like jack pine, poplar, birch, even the black spruce, are best to be done in a clear-cut system, because that is the way they grow. They like to grow together in a group. They do not like to be in shade. They are like pioneers.

It is as if you just finished ploughing a field; everything grows up together in corn. Do you plant corn underneath the shade of another line of corn? I do not think so. I am not a farmer, but I do not think you do that.

It is the same thing with trees. These certain species of trees do not grow within shade, so that is why you clear-cut. What you are trying to do is copy what nature already did; namely, fire. The Matheson fire, the Cobalt fires and all that burned whole tracts of land and that is why you have a forest there right now. That is why you have poplar, birch, spruce and some of the pines. So you have got to clear-cut them.

Mr Pollock: Well, I am a farmer. Therefore, I was concerned when you said that you had to have certain trees to kind of nurse the other trees along, because there are certain crops you grow that you sow a nurse crop to actually get the seeding to come underneath it because it just cannot stand the hot sun in the summer.

One thing Chief Potts mentioned yesterday—and I was surprised to hear the amount of acres that there are in Lady Evelyn-Smoothwater

Provincial Park—he related the fact that the timber wolves had to have so much area to run in and they are gradually getting squeezed out. Why can the timber wolf not run in Lady Evelyn-Smoothwater park? I never got a chance to question Chief Potts yesterday. Is that a problem?

1620

Mr Knaapen: No, that is not a problem. We also work in Algonquin Provincial Park and there have been a lot of timber wolf studies there. People along the corridor, at highways 60 and 62, even have wolfhounding sessions in the evening, and you do not see the wolves running away from the people there. It is there, and logging has even benefited the wolf population because it uses our roads and our skid trails as runways and so do the animals. So the wolves could also survive in a Lady Evelyn-sized park. As we already know, the wolves are already mingled within the population. You see them all over the place, in the fields, in the back 40 and everywhere.

Mr Pollock: And you are saying you do logging in Algonquin park?

Mr Knaapen: We do logging in Algonquin park and there are many wolves there. The population is dependent upon the food source. That goes up and down.

Mr Pollock: But you do not do any logging in Lady Evelyn-Smoothwater park.

Mr Knaapen: No, we have been banned from logging in the Lady Evelyn park.

Mr Pollock: If I understood you correctly, it is 10 per cent white pine forest in Lady Evelyn-Smoothwater park?

Mr Knaapen: No, there is a total of 30 per cent within the whole area, but yes, 10 per cent within the Temagami area if you just include the park. I would presume it is just the park, but when you add on the reserve and the banned cuts or modified cuts, you are looking at almost 30 per cent that already exists which is banned from cutting.

Mr McGuigan: The first question I have is more technical in nature. Last summer I think the record, and I remember reading this, was that the fires in northwestern Ontario were 10 times the long-term average. The year before they were pretty heavy too. Why do we have so much wildfire in the northwest and yet we have managed to control wildfires in your area?

Mr Shusterman: It is a different vegetation, first of all. With the amount of pine and the sites,

the rock, you cannot help but have fires whenever there are lightning storms.

Mr Magee: I would suggest that they have an access problem in northwestern Ontario. A lot of the fires are fly-in, whereas in northeastern Ontario there is pretty good access and helicopters are a little more available. I have worked on some very large fires in northwestern Ontario, and once they get going, sometimes the ministry is not equipped to handle several large outbreaks on the same day and it goes for one.

Mr McGuigan: So there are fires that are started in the Temagami region and are being put out.

Mr Magee: Yes. As I say, having taken part in quite a few summers there, the ministry has a very good policy of hitting them hard and heavy with aircraft.

Mr Goulard: There is a more populated area here. I have spotted quite a few fires. I am a flyer myself and I have an airplane. I have spotted quite a few fires that were just starting. Around here there are a lot more people. Like you said, there are a lot of roads and there are a lot of people flying here and there and fishermen and hunters. People are spotting those fires before they get out of hand. That is one of the reasons why we do not get those wildfires around.

Mr McGuigan: The point I was coming at was that, obviously, there had been fires in the past or you would not have the pine forest. I was just trying to establish for my own interest why we have fires in the northwest and we no longer have them in the Temagami area.

Mr Magee: If I could go back to 1977—I recall it quite well—I was working on a large fire west of Kirkland Lake and that was exactly the same time that Cobalt burned and a very large fire took place on the Joan peninsula on Lake Temagami. We had some very successful white pine strip cuts there that have gone now; it is white birch and poplar. I believe most of the white pine region disappeared.

Mr Knaapen: There is also one other thing to realize; it is the geography of the situation. What you are having are storms rolling off the prairies. The microclimate, plus the mineralogy, is different. You have a lot more dry lightning storms. As you move further east in Ontario you pick up more moisture, so despite the fact there is lightning, there is rain with it. That is part of your reasoning.

Mr McGuigan: So nature protects it a good deal more than it does in the northwest.

Mr Knaapen: A bit; that is part of the picture, yes.

Mr McGuigan: My other question is more on the matter of strategy. Throughout the presentations that have been made to us and by yourselves there runs a thread that governments in the past have set plans and then there is a lack of money to carry them through. As an aside, I guess it has always been the case. No matter what the government is or what situation, there is never enough money to cover the deal. Nevertheless, it does run through the arguments that there is not enough money.

I asked Professor Benson a question—I was trying to get to the bottom of this—what is the value of a white pine log? He would not answer me, or could not answer me, I do not know which.

We did find the answer to that. A 200-year-old tree is something in the neighbourhood of \$75, based on the number of cubic feet of wood in a tree and the price of the tree. Is that an accurate figure? Would you agree with that figure?

Mr Goulard: Did you say \$75 for a whole tree?

Mr McGuigan: Yes.

Mr Goulard: You mean it is worth \$75?

Mr McGuigan: Yes, that was the figure that was given to the committee.

Mr Wildman: Not in cubic metres, no; that is in board feet.

Mr Fleet: I think it was a price range. Did he not say \$78 to \$87?

Mr McGuigan: I was picking \$75 as a—

Mr Wilson: I would think it is probably accurate, depending on the grade of a particular tree. We did bring several pictures of good white pine, old-growth white pine, if anybody would like to see them, just to give you an idea of what some of this old-growth pine might look like. Maybe other people have already given you pictures.

Mr Goulard: You do not really know what the pine's value is until you cut it down and saw it, because it can vary quite a bit.

Mr McGuigan: Oh, sure, I understand that, but I am just trying to get a ballpark figure. Is it worth \$1,000? Is it worth \$100? For instance, I asked a southern forester on a tour of a hardwood lot. I picked out a tree. The tree was maybe 150 years old, it had a good stem on it, and I said, "What's that tree worth?" He did a few calculations and said, "It's worth \$700." I learned later, actually in this committee, that it is

largely on the basis of veneer. For furniture, you can understand how he gets \$700.

What I am getting at is, is pine underpriced? I just leave that question with you for a minute and go to an analogy of the Lake Erie fishery, with which I am quite familiar, living on the lakeshores and being in contact with the fishermen.

The history of the fishermen pretty much has been that if there was a fish out there they would go and catch it, because if they did not catch it another company would go and catch it or another fisherman would catch it, pretty much regardless. No matter how much they were flooding the market or whether they were even killing the fish stocks, the philosophy was, "If that fish is out there, we've got to get it." They drove the prices of fish down to very low prices through the years.

Then the MNR came along and put in a quota system and now those fellows are the happiest people in the world because they are making all sorts of money. They are maintaining the fish stocks. The fish stocks are healthy. It is a great industry because they are managing and are getting the proper price out of their fish.

When you talk about the white pine being used for windows, I just bought a set of windows for part of the house last summer, about \$500 a window installed. Then they are used for furniture. People know what a white pine table costs, with panelling. Would it affect the price of that window very much if you doubled the price of white pine?

What I am trying to come at is, are we not taking that money out of that white pine to pay for very expensive regeneration? We have been through the process of regeneration. You have to tend these trees and you have to keep the weed trees away from them, or whatever vegetation.

1630

The Chair: I do not like to intervene here, but I was hoping that each of the three political parties would have a chance to ask a question. We have got about three minutes left.

Mr McGuigan: I think I have laid enough out. I would just like you to address that picture of the industry. To raise money, are we selling this white pine too cheap.

Mr Goulard: I do not think so. The price has always been pretty well at the same level for white pine. White pine does not fluctuate like jack pine and spruce. It has always been at pretty well a high level. It is not selling cheap, but the money is not coming back here to the north.

Mr Shusterman: The cost to get that pine to your mill, though, is going up.

Mr McGuigan: But everybody tells us, "There are no more of these, this is all there is."

Mr Wilson: Sir, I think maybe that is a misconception. The market sets the price of white pine, as it sets the price of any crop in Ontario or Canada. If the market would allow for a higher price, we would certainly accept it. It is the market that dictates the price of the product. We are in a very competitive market. There is no shortage of white pine, there is no shortage of jack pine, and that is why the lumber market is in a depressed state.

Mr Wildman: I understand the problems of time. I had wanted to ask for some clarification on the term "sustained yield" as opposed to "normal yield," but since we do not have enough time, I would rather ask a question with regard to the statement—I think it was in Mr Goulard's presentation—regarding the largest old pine stand in Ontario, that it is located within the Lady Evelyn-Smoothwater park. I will put the question and perhaps you can answer it. For time, I will give you the whole question.

First, I would like to know how you would define this. Are you talking about old growth, and if you are, could you show us on the map where it is located and how large the area is? Because we have been told by some—Dr Carmean from Lakehead University—that in order for an old-growth forest to be viable you need something like 1,000 hectares in area in the stand. Would you show us on the map where it is, tell us how big it is and how you define old growth, and also if it has ever been cut before, either select cutting or whatever.

Mr Knaapen: I am not too sure of Dr Carmean's work. If he is saying that the old growth is based upon area, in that case—

Mr Wildman: No, that is not what I said. I said that in order for it to be ecologically significant you would need about that area.

Mr Knaapen: I have not studied his work, nor am I familiar with his work.

Mr Wildman: He was one of the authors of the report we are dealing with.

Mr Knaapen: Yes, I know. But he is an American, which is hard to understand because it does not apply always to what is happening here in Canada. His pines are situated in different areas than ours are. They do not have too much black spruce and jack pine like we do.

Mr Wildman: Most of his study, I understand, has been in the area of Quetico.

Mr Knaapen: Also in Minnesota and Wisconsin. I am not too sure what you are trying to ask, because there are no white pine stands of 1,000 hectares. If you combine a whole batch of them together, fine. In that case you have the skyline reserve on Lake Temagami, which adds up to 6,000 hectares. As for Lady Evelyn park itself, I do not know. The only place is in Ellis township, which is listed as the oldest. It is over 400 years old, I think. I do not know the hectares. We will have to look at the stand itself, which the ministry has; it is a thick book. But again, if you combine them all together, side by side, one stand beside the next stand—

Mr Wildman: Essentially what you are saying is that they are pockets in different areas, they are not one stand.

Mr Knaapen: No, they may be attached, side by side. Some of them will have a gap of poplar or birch. It is a mixed wood; the whole area is not pure pine. There is every single species imaginable in existence in that area.

Mr Wildman: That's what I thought you meant, rather than an old-growth stand. You have little bits and pieces like that.

Mr Knaapen: Yes. If you ever go out to British Columbia, to Cathedral Grove, you will find a pocket. It is true you will find pockets here and there; for example, what most people like is those trails down there on the islands in Lake Temagami. Well, that is a nice pocket, it is just great to walk through there, and I am sure you find pockets here and there, all over the place, which are quite nice.

Mr Wildman: But have those stands, those little pockets of those stands in what is now Lady Evelyn-Smoothwater park ever been cut, to your knowledge?

Mr Knaapen: No, not that particular stand. At that time, it was Rogerson Lumber and it could not get to it because it was too rugged. The ones further east yes, but those were based way back in the old—

Mr Wildman: Horse logging.

Mr Knaapen: That is right, way back.

Mr Wildman: Select cuts, in other words.

Mr Knaapen: Yes, and the horses could only go so far. So higher up, on the more rugged ground, no, they have not really been touched.

The Chair: Gentlemen, thank you very much for your presentation to the committee. I will say it again: We wish we had more time to spend with the various groups but the time is determined by

the standing orders of the Legislature, which means we are restricted by that.

Mr Miller: Can I make one comment, quickly?

The Chair: If you want to cut into the time, that is fine.

Mr Miller: In their presentation they indicate that members of the Legislature are not aware of, are not familiar with logging. I would just like to point out that in my riding of Norfolk we have two very modern sawmills and we are working our woodlots. One is Porter Lumber and one is Townsend Lumber. They just built a new mill five years ago, turned out with the latest equipment. We understand it. As one member of this committee, I understand and I feel very strongly there is a time to plant, there is a time to harvest. When we look at these pictures, if you leave them there too long all you have got is nothing. I think as long as you make that rotation work—

Chief Potts was here the other day and made a lot of misstatements, in my view. I think there is room for everybody to work. I think he called us a lot of names, that one person at the Ministry of Natural Resources was a liar, and the other thing was that our Attorney General (Mr Scott) was racist. That really bothered me tremendously. I just want you to understand that everybody in this committee is not unknowledgeable about working in our province.

Mr Dietsch: That is what I meant by my comment.

Mr McGuigan: I wore out chainsaws myself.

The Chair: Gentlemen, you can see there is a lot of interest in the issue, as you know. This committee consists of the three political parties, which are simply trying to learn and understand a little more about the Temagami issue. Thank you very much for helping us. My congratulations to the photographer. Those are great pictures.

Mr Fleet: You might want to use them for your next householder.

The Chair: I cannot; I am not in any of them.

Mr Dietsch: Are you not in this one?

Mr Fleet: I will not make any comments about dead wood or anything.

The Chair: The next presentation is from IWA-Canada, the international woodworkers. We have Mr Miron here. Welcome to the committee. It is good to see you again. Make yourself comfortable. This is an informal process, so any time you wish to proceed and

introduce your colleagues we can begin. We have an hour and then we must—

Mr Miron: I do not actually have a written presentation. I am used to dealing with the CBC; you know, "Tell us everything you know about forestry and keep it within three minutes."

Mr Fleet: I did not know they were so generous; they are not with us.

The Chair: There is a reason for that.

1640

IWA-CANADA

Mr Miron: I am Fred Miron. I am president of IWA-Canada, Local 2693. I work out of Thunder Bay. That is the union that represents the workers at William Milne and Sons sawmill at Temagami. Beside me is Don Carr. He is our steward at the sawmill. He is the fourth generation of his family to work at that sawmill and he has worked there himself for 26 years. Beside me, on my far right, is Rolando Quintul, an immigrant from Chile who works for Canadian Pacific Forest Products in the wood harvesting operations and has been for 10 or 12 years, something like that now, so he has some knowledge also of it.

To start out, I want to say that we make no apologies for what has happened to our forests. My local has been crying about this for many years. My local union—and that was the lumber and sawmill workers' union at that time; we are now IWA-Canada—made a submission to the Ontario Royal Commission on Forestry. I looked it up and I thought I would bring it here as it is of interest. That was in 1946, which is quite a long time ago. I know the Benson report, but I think this ties in with it. I think you will see what we are talking about. I would like to read just a few paragraphs from it. Now remember, it is over 40 years ago.

"It is our contention that trees are our greatest national asset. Forest products enter into every aspect of our daily national life in one form or another.

"The forms in which we make use of tree fibre are gradually becoming more colourful and varied with every new scientific discovery we make.

"To a young industrial nation, our abundant forest supplies provided a tremendous source for accumulation of large capital reserves which went into the construction of our modern industrial setup. This accumulation was rapid, and was accomplished in the typical American way. None can say that our logging methods were not efficient from an economic point of view. That is precisely the trouble with them:

They have been so extremely economically efficient that they have been ruthlessly destructive. As a consequence, we have used up our best and most accessible timber supplies in less than 100 years.

"Alongside of this contradiction between expanding industry and dwindling supplies, nature is taking its revenge for past and present abuses. Fires and insects are taking a mounting toll. Denuded lands become subject to soil erosion. The groundwater supply is dwindling with streams drying up while a surplus flow of water causes floods at certain times of the year. Wildlife, fish and scenic beauty disappear. The country undergoes a basic transformation. How this has developed in the United States should be a lesson to us in Canada. The Tennessee Valley Authority south of the border is an example of how the US government is trying to bring scientific engineering to play in an effort to save the country from complete disaster. It is like rescuing a machine bogged down in mud and bringing it back on the road to progress."

One of the things we knew is that the United States is 100 years older than us. Surely we should have learned from their lessons. I guess we just did not.

"All these developed out of root causes of a national reawakening to the essential values of our forests. We have suddenly begun to realize that trees have a far greater value than that which is obtained from their direct use in everyday life. Instead of a conception that forests are something to be overcome as quickly as possible, we are beginning to see that forests must be maintained as well; if necessary, by artificial means. Until this conception becomes universally recognized, we must face many obstacles and will likewise make many and costly errors."

We certainly have. Some of those things I guess I am saying now, some 40 years later.

"It is a basic fact that trees are a long-term crop that must be reasonably harvested and not mined if we are to have security of employment, income and supply. More and more revenue must be directed towards the immediate job of surveying our resources"—we are still asking for that—"to produce sufficient and modern equipment needs, expansion of research in the use of wood and abolition of wasteful exploitation and, last but not least, to bring about an entire new policy based upon effective silviculture, conservation and efficient management on a permanent basis."

To think we were saying those words over 40 years ago. I have said that we have not done that good a job, but I do want to say, though, we are

on the road to recovery. It has changed within the last number of years. We are planting more trees. We have changed the method by which we harvest. Instead of volume-based it is now land-based or area-based, which is the proper method to use. We are doing a much better job on it.

For instance, I understand that in the area that we are talking about, if I recall, there were some 160,000 trees planted in 1983. I think it calls now for over two million trees to be planted for 1990.

I can recall talking to my father about these very matters and arguing with him. My father was a timber contractor. I grew up in the towns of Beardmore and Geraldton and in that area. He was a timber harvester. His method was to select the closest, the best and the most economical timber that he could get to the mill or to the waterways that would get it to the mill.

I can remember arguing with him about it as a young lad. His position was that God planted those trees and God would replenish those trees. I would argue back, "We have interfered and God can no longer keep up, so we're now having to do some of that to help Him out."

You could walk in these areas and see miles and miles of trees, and he would reply that they would plant the trees. He said, "We'll plant your trees, if that's what you want, and then we'll spray them with whisky so they'll grow up half cut for us." He is long gone, I have to say.

Mr Fleet: It would be well-seasoned wood.

Mr Miron: I think it was best said by an Indian chief who happened to be in an area where a mining rush took place. They were staking claims all over and there were going to be mines. They asked him what he thought of it. He said the white man's intruding in there was not new, because years ago the white man had come for the furs and when the furs were gone he had left. Many years later he came back for the timber and when the timber was gone he left again. Now he said they have come back to get the rocks.

I do not want to give the impression overall here that we are bald. We are just going bald in places out in the woods operations. I have read the Benson report over. In fact, I have had it only for a couple of weeks, to tell you the truth. My staff and I really have not had a chance to really go through all of it. It is not endorsed by the executive and I cannot endorse it here. From reading it, there are many parts of it that I know we can. It certainly serves as good study material, I can say that. There is a lot of useful information in it. As for using the words "forest

stewardship," I do not know; I like to call it forest management and management of the forest.

We in my union—I sit on a committee—also have a forest environment policy. I just would like to read out a few paragraphs of that to you. The preamble starts with:

"IWA-Canada commits itself to the establishment and maintenance of fully sustainable forestry. Forestry operations must leave to future generations of Canadians a rich endowment of fish and wildlife, soils capable of supporting varied ecosystems and forests managed so as to provide many more jobs and a wide range of the forest recreations that Canadians value.

"An important premise of our policy is that in order to avoid inflicting the environmental stress of our own lives upon other parts of the world, we ought to produce at least the equivalent of the physical goods we consume.

"Ours is a different message from industries, governments or other community groups. It is centred upon the principles of sustainable development, not upon maximizing profits; upon maintaining the integrity of the natural environment, preserving ecological diversity and providing decent livelihoods for an ever-increasing number of Canadians.

1650

"It is imperative that we come to grips with a sustainable forest strategy. Increasing land use conflicts, continued deterioration of the physical environment and a growing awareness of the impact of forest practices on that environment all combine to make comprehensive long-term planning for the industry an imperative.

"It should be on a four-pronged approach: creation of a rational land use planning process with a fair conflict resolution mechanism in all provinces; public and worker input into planning and monitoring of forest activities; research and development into new ways of harvesting, silviculture and job creation, which should include and must include value added products; and environmentally sound logging practices within work plans that pay as much attention to regeneration as they do to harvesting." In other words, we say that when the work plans are drawn up, so should be the plans for regeneration of that area; at the same time and not later.

One of the things we want to say, and I think it is imperative that we say it—I think it is a very important paragraph—is: "The issues of land use and tenure will not be satisfactorily resolved until governments adequately address native land claims throughout the country. We therefore

urge all governments to resolve these issues as expeditiously as possible."

These are some of the problems we have when we talk about the Temagami area. We have a number of issues there, not only whether it should be logged, but you have the land claim issues; you have a number of issues and the land claim issue should be settled first.

Sometimes clear-cut logging is the only safe and practical method and techniques exist which can alleviate its more environmentally unsound components. For example, in certain parts of the Pacific Northwest they use long-span, but selective logging, the apparent alternative to clear-cut openings, is not always safe. It requires extensive road-building—you have to remember that if you are a successful logger, it takes a lot more road-building—and often results in high-grading. You certainly have to police it. You have to ensure that the best trees are not selected and the inferior ones left to seed—only the inferior seeds. We feel each case has to be studied on its merits.

On the Benson report, my executive has to give me authority on a lot of it before I can really endorse the whole thing. There is a lot of information in there. It is certainly a useful study. It is certainly a voluminous document and it calls for more studies, by the way. Sometimes I wish that when the studies are done they would just talk to the ordinary Joe who is out there. I am not a forester, but I have been in the forest all my life. I am not that familiar, though, with red pine and white pine but I have lived in the forest all my life. People are there and people know. The local people take a much different view sometimes than what you hear or read in the press.

Regarding Milne and Sons, that sawmill there is the last of 12 sawmills, they tell me, between North Bay and New Liskeard. There were 12 sawmills between North Bay and New Liskeard and there is only one left. That mill has been there since 1914 or something, perhaps the turn of the century. It was in a place called Trout Lake. I guess that is now North Bay, according to the reports I see. We do know that it has been in Temagami since 1935. That is a long time and it has produced work there, honourable work. The people in that area claim they have all been able to live together for almost 100 years. What is all the big fuss about now?

In Dr Daniel's report he has said that if cutting is stopped in that area it spells the demise of at least three towns. It spells the end of Field, Elk Lake and River Valley and, he says, serious disruptions in Temagami. We who live in the

north know what it does. It is our livelihood. It is what we are there for. They tell us they will replace it with tourism jobs and this kind of thing, but we have not found that.

All of the north was opened up because of our natural resources. The tourist industry did not go there first. We were there mining, harvesting the timber, trapping, etc. The tourism industry followed. I am proud of our heritage, actually, and that I can say that at one time I worked in woods operations and that I represent workers in the harvesting and woods operations. It is actually our heritage. If I say sometimes we have certain problems in regeneration and so on, yes, there are, but I am actually proud of my heritage and many of us are in the north. We like it there. It has its benefits and its downfalls, but we like it there.

When the the Lady Evelyn-Smoothwater Provincial Park was established in 1983, we made no objections to that park even though it was 724 square kilometres. We need wilderness parks. Although I do not know how large or how great an area should be set aside, we do need some for study, for people who like backpacking and people who like to get out there in the wilderness and what have you. Mostly the people who live there, though, do not use those natural parks. It is not my experience of Quetico, in fact. It is just the opposite.

People like to go where they can take their families. A lot of fishing, hunting and so on is done with the family. For instance, when they go fishing, when they go out boating or camping, they use the roads that are there and do not go out in the wilderness areas. If you want to be with the family and do things with the family, a lot of it involves that, and you are certainly not going to take your child out in a canoe. The majority of people just do not do that. It is unsafe, for one thing, and some have physical problems, heart problems or what have you, so they cannot paddle a canoe. But there should be room for everybody.

We were actually glad when we saw the park going in because it is a beautiful park, but that was 1983 and, all of a sudden, it is all turned around again. People made plans in that area. People built houses, bought houses and cars based on that, and then, all of a sudden, everything is changed again on them so they do not know where they are. Is the timber going to be stopped? Is it going to be set aside, as they say, as a buffer zone? The park is 724 square kilometres and they want a buffer zone five or six times the size of that park; I think it is 3,200

square kilometres. It is ludicrous in our opinion and it is upsetting to many of the people there.

Once plans change, if we allow plans to change just like that and they keep changing, who is to say that five or 10 years down the road it does not change again and they will cut the park? What we are talking about right now, preserving, becomes the opposite, and we will clear-cut it. Once plans start changing, do we go through with that? What can we have trust in any more?

Take a look at northern Ontario, our small towns and this continual fight for jobs and industries to keep our young people in those areas. When you have the loss of a town with a population of 1,000—let's take a population of 1,000—a mill will close with 100 jobs and that is 10 per cent of the population of that town. Try that on Toronto and you are talking about 200,000 jobs. I tell you, there would be a national emergency if that happened; yet, in proportion, it is the same thing in our towns.

In our union, as I said earlier here, our opinion is clear-cuts, smaller clear-cuts. Yes, maybe the clear-cuts have been too large, but we think clear-cuts are the way to go. There is some room for selective cutting in certain areas but actually, overall, we think smaller clear-cuts and clear-cuts are the way to go. The reason for it is, as we say, we were mining our timber before. We should not be mining it, we should be farming it.

When the foresters talk about it—I am talking about someone who lives in the woods operations and sees it every day of his life—who says we cannot grow a tree? We can grow apple trees, pear trees and peach trees, and yet we talk about out-in-the-woods operations there and worry about a tree growing naturally. My goodness, certainly we can grow the trees; it is just a matter of how we do it.

1700

We feel it should be done. Once you cut it, you regenerate it and it can be regenerated; it can be regenerated by hand and that is the way it should be. Why should it be any different?

When we talk about sometimes leaving openings and it will seed itself and all of that, my experience has been that there will come along a big storm or a wind and cause complete chaos because it is all blown down. Then it creates a very dangerous situation for us who have to go in there now and try to harvest that, because the trees are all twisted. You cut one and it will fly and it is goodbye.

When they tell me they need all of these studies and nobody understands how they are

going to grow trees, it is unthinkable to me because we can do it. There is no doubt about it.

When you talk of red and white pine, they need help. There is no doubt about it. As you know—and the committee probably does know already—red pine generally does not regenerate itself unless there is a fire. Fire will do it but generally it does not. Anybody who has been in the area knows that needles are sometimes two or three feet thick on that floor. You cannot get through to the soil to allow the old trees to regenerate. That does not happen with red pine; it prevents it from growing, it puts a carpet on the floor and it cannot. White pine will in certain areas but red pine will not. It requires a fire or it requires us to do it most of the time, people tell me.

On the matter of the Red Squirrel Road, that got into something that was absolutely unbelievable where people said they are building a road into old-growth pine. Nobody has been able to define that for me. I have talked to a lot of foresters and everybody else, but nobody has yet been able to define what old-growth pine is.

It means different things to different people. The Red Squirrel Road was a 15-kilometre joining of roads that are already there. Knowing harvesting, there is now a road over here and there is a road from this end. It is only the joining of those roads. That could have been harvested without the joining of that road. What that road did do, though, is cut down the travel time for the trucks that were hauling. It would cut it down from four and a half hours to one hour.

I consider myself an environmentalist, by the way. My job depends on it. We all are who live and work out there; we are all environmentalists. We are all vitally interested in it, but think of the extra fossil fuels we are using and the pollution to the environment by four and a half hours instead of one hour. Think of that and what it does. It surprises me when they say we should not do that, we should be going around the long way.

We also need roads, at least one road for fire protection, for goodness' sake, when you get caught out there. Even if we set aside some of that old growth—and it is fine if we do, we are not arguing about the parks, as I say, nor are we arguing about the old-growth pine, if there are some. I saw in the *Globe and Mail* the other day that some of that is being set aside; 585 acres or whatever—they have a new term now that is twice as big as an acre—

Mr Pollock: Hectares.

Mr Miron: Yes, hectares, being set aside. We think well, sure, it can be. Why not?

Our experience also is, on the old pine, especially the white, they do not necessarily want to harvest it. It is hollow. A lot of those trees are hollow. They are a dead loss. I do not think it is quite that necessary.

I do not go in that forest, I call it a dying forest. It is not a pretty sight; most of the old growth is a dead or dying forest. There is not too much in there. There are the woodpeckers and certain insects that feed on dead and dying trees and that kind of thing. It may be beautiful to some people, and I guess it has its points too.

The beautiful forest to me is a growing forest. When you go out there you see the moose and you will see the beaver. You will not find them in what I consider old growth. You will not find them because the food is not there; it is gone. To live, those animals have to go where there is a growing forest. This is where you will find the real forest.

The famous Black Forest of Germany has been clear-cut for more than 600 years and they still brag about it as being one of the most beautiful forests in the world.

I guess it depends on how you look at beauty. I guess beauty is in the eye of the beholder. Lady Evelyn-Smoothwater Provincial Park is a beautiful park but the lake that is there is an artificial lake. People talk about going and paddling and getting out into the pristine wilderness at the end of Lady Evelyn, and yet it is an artificial lake. The levels of that lake are manipulated by Ontario Hydro by as much as 12 feet in January. It is a manipulated lake. It is an artificial lake and nobody says it is not beautiful. Nobody says he does not want to get out there and hike in the wilderness.

If you go back into the records, you will find that when the dam was built—I think it was by the Sturgeon Falls Pulp and Paper Co—there was opposition to it. People said it was going to spoil the whole area: "They cannot build a dam in there, for goodness' sake." Yet, if we take those dams out now, we would destroy the lake. I do not think anybody would say that Lady Evelyn-Smoothwater should not be there.

As far as the cutting operation is concerned, and using some of that timber, when I have talked to Chief Potts he has never said they would not make use of the forest or there would not be any logging if they succeeded in their land claim. He has not said that. He has said there will be; he will make use of the forest in every way.

We have to take a look at it as a whole, and consider all the people in the area and what the people feel. We all have a right to use the forest.

We have a right to use it for recreation. Other people have the right to solitude and being alone. Other people have a right to use it for a job. That is what made this country great. Using our natural resources has made this country as great as it is. Maybe we have not used them too wisely up to this point, but it is what has made this country great. I think we can do a better job.

As far as regeneration is concerned, if you look at what Finland does in regeneration or reforestation, Finland has a unique method. I do not know if the committee is aware of it. There is an additional charge on the stumpage fees when a company harvests the timber. It then gets a certain amount of that money back once it has been replanted. It gets the balance; not all of the stumpage fees, just that portion that is withheld. When the professional forester declares it a success, then the company gets the rest of the money. Nobody can argue that Finland does not have growing forests and proper forests there.

You will be questioning us, if there is time. That is my submission. I will be putting something in writing as soon as my committee has had a chance to really examine the Benson report.

The Chair: Did either of the other two gentlemen wish to comment now or just be available for questions?

Mr Miron: We will take questions, if you wish. As I say, he lives right in the area. I am quite a ways from there.

Mr Dietsch: I was interested by your comments and your in-depth knowledge and perception of the forest industry. You commented that you felt the only safe, practical way to harvest was to clear-cut. That is a bit different from some of the other presenters who have been before us previously. Is it because of the danger of trying to fell the trees when there are other trees around? Is it because of the damage trees do when they are being felled?

Mr Miron: There are many reasons. One is, if you strip-cut, a wind will sometimes come along and, because the trees do not have the shelter now, it will blow them all down and actually destroy a lot of the timber. If you use the other method and leave a few trees standing—a lot of times they will leave six trees to an acre, for instance—in a certain system, uniform shelter wood, that is actually a clear-cut method, as I understand it, but just small clear cuts; we call it a shelter wood system.

I believe that what we are cutting has to be replenished and that we can do it quite properly, as we would tend to farm. If it is done right, we

can guarantee that those trees are going to be successfully regenerated and reforested. It is a guarantee, because you can see it; you can actually see it. The other one is all theory. As I say, I am not a forester, but all that other stuff is theory.

1710

Mr Dietsch: With respect to your comments on Chief Potts, I did not get an opportunity to ask questions because of our time constraints, but you indicated you had a personal conversation with Chief Potts. I do not want to put words in your mouth, so maybe you can tell me what he said about the fact that the forest would be used.

Mr Miron: I had a telephone conversation with him and that was my understanding of the conversation. He also says, as you see in his latest statement here, and I just noticed another, 2 November, "Our status quo is a willingness to share." That has to mean something.

But, as far as I understand in discussions—and I see the vice-chairman saying yes, that is what I understand—he has not said there will never be any harvesting. He has problems with the way it is presently being harvested, he told me. As I understand it, he wants it harvested by a different method, but he did not say there would not be any harvesting.

Mr Dietsch: The other comment you made was that Daniel said it would spell the demise of three towns in the area. Do you agree with that comment? Do you feel it will spell the demise of the communities that are there?

Mr Miron: Absolutely, of those three. It most definitely will. If the whole area is the buffer zone they want, yes.

Mr Dietsch: I want to ask you particularly about the interlink you mentioned, about the roads. You feel quite firmly that this area can be harvested and those roads connected.

Mr Miron: Without connecting those roads?

Mr Dietsch: No, I say you personally feel strongly that those roads can be connected and that the area can be harvested through there.

Mr Miron: And should be, yes.

Mr Dietsch: I recognize that the Leader of the Opposition (Mr B. Rae) took a very strong stand in trying to block the road construction. I guess I find your comments interesting, knowing that the New Democratic Party likes to hold itself up as the preserver of labour, not to mention the fact that I am a previous head of a union in my own particular area. Why do you suppose he would do that and let you down?

Mr Miron: I do not want to get into any kind of a political debate here. I do not think I should.

Mr Fleet: You are into one as soon as you walk in the room.

Mr Miron: Not between the parties.

Mr Dietsch: Do you feel sold out? Some of the press clippings I have before me say that the people feel sold out, that the jobs are going to be lost, and where is this hero?

Mr Miron: It has its good points. It generated a lot of publicity, I would think. People are really interested. He has done that, I must say.

Mr Fleet: That is putting the best possible gloss on it.

Mr Pollock: I can appreciate your concerns about how man is destroying the universe. There was an article in Maclean's magazine saying we are losing one hectare of arable land every 14 seconds; that is over the world. Our record here in Ontario and in Canada has not been any better than any other place across the world.

One of the things that came out of these committee hearings is that some people who came before the committee last Thursday said the Swedes are doing a far better job regenerating their forests than we are. The Ministry of Natural Resources people basically back this up. Of course, they use the argument that it is because things are run differently in Sweden, that some of the land is owned by the church, some of the land is privately owned and, I believe, only 17 per cent is owned by the state.

Being a farmer by background, totally opposed to any type of state-run farms, I just wondered what your comments are on that. Do you think some of the crown land could be leased out by certain people and they would do a better job managing it?

Mr Miron: No. Absolutely not. I have seen small harvesting operations and I have seen large companies and let me tell you, if you want pollution and if you want what we call high-grading—they call it that in the mines and so do we—give it to a small entrepreneur or a small operator because he does not care. You cannot embarrass him. He does not worry about fire protection; he does not worry about which trees; he is there only to make a buck. That comes from my father and that is why I can tell you; he is there to make a buck.

If you get a big company such as Abitibi-Price Inc or Canadian Pacific Forest Products Ltd, they are very sensitive to the news media or anyone else, I will tell you. They are very sensitive and they have to do it the right way.

Mr Pollock: That comes back to the same old argument, how come some people think state-run farms are good, but they do not really work out?

The Chair: Name names.

Mr Wildman: To be fair to Sweden, on private land, the state orders and requires by regulation what the private owner is going to do on that land.

Mr Pollock: That could well be, but why are we not doing it here? I guess that is the argument.

Mr Miron: It is about five times more costly, that is one of the reasons. But they harvest four and five times there; they replant and they harvest. They will also select some trees as they go, but they do not leave anything in there, let me assure you. They do not leave anything. They do not even leave the limbs or the tops behind. We should be utilizing it all here too. We have a terrible waste in our operations.

Mr Pollock: They have got a better growing season too.

Mr Miron: Some of the best forests in the world were right here and they are all gone. I do not see them anywhere.

Mr Pollock: Yes, but trees keep growing. We could still keep the best forests in the world, could we not? Why can we not?

Mr Miron: If it is done right, we can.

Mr Wildman: Just as an aside, if you have seen the forests in Sweden, they are very different from our forests. There is much more intensive management and it is partly due to the fact that it is a much smaller area. We are dealing with a smaller area and a larger population. It is a different situation than you have in Ontario and Canada.

You are quite right, Mr Miron, their forests have been regenerated four times and they look like parks. There is no undergrowth. There are no old trees. Everything is the same age and it is mostly lodge-pole pine. The monoculture that they have done is getting them worried that it may, in fact, cause them some problems in the future. But anyway, that is an aside.

Mr Fleet: I thought you were going to propose a trip to Sweden.

Mr Wildman: Luckily for me, I was able to take a trip to Sweden and study the work that is being done in their forests. I appreciate the fact that I was sent there as part of a committee by the Minister of Northern Development and it was a very worthwhile trip. Members of all three parties on the committee went.

As a matter of fact, we had discussions with a forester over there who had worked in Alberta, not in Ontario, and he talked to us about the differences between forestry in Canada and in Sweden and some of the problems. We can certainly learn a lot from them, but we cannot transfer everything from there to here.

I just wanted to ask the representatives of the IWA, you said that you are committed to sustainable forestry. We have had a lot of different definitions, but one of the problems we have in this whole discussion is what words mean. How do you define "sustainable forestry" or "sustained development?" What do you mean by that? I will be able to compare it with what other people have said, but what do you mean by it?

1720

Mr Miron: They have used all kinds of terms in the past, such as allowable cut, etc. That is one of the problems we had with it, as I said earlier, where we measured it by volume. That is, you can cut 100,000 cunits in that area, yet there may be swamp or water in there so then you have to cut an area three or four times; but if you do it by land area now it is very different, much better and a much more proper measurement.

The allowable cut or sustainable yield always meant to me what you wanted it to mean. It means replenishing. That which we take out we put back in again, that is what it means to me; that we will be able to cut that amount in perpetuity and never run out.

Mr McGuigan: I have a safety concern. My colleague here was asking you about leaving a certain number of trees. Is there a danger, when you leave some specimens and you are felling another one, that one might brush against that tree and fall in a different direction? Is that not a problem?

Mr Miron: No. The biggest problem is your old-growth tree, what we call chicot. That is a dead tree. It is not the live tree generally that the fatality occurs from, where the worker is killed.

Mr Dietsch: The widow-makers.

Mr Miron: Yes. It is from felling the green tree that hits the dead tree and the top of that dead tree—we call it a chicot—breaks off and flies through the air. They call them widow-makers or chicots. That is where the real danger lies.

Mr McGuigan: So there is a safety problem.

Mr Miron: There would be, yes.

Mr McGuigan: What about cutting a tree that is hollow? I just stepped back one time in a split second to save my life because the tree that I

expected to fall away from me, being hollow, spun and landed on me. It did not really land on me; it just brushed me. I had cut my notch right and everything was fine as far as I was concerned; I noticed the wood coming off the saw was off colour and I drew back just as the tree crashed the other way. Is cutting those trees that are hollow a problem?

Mr Miron: Sure, it would be dangerous.

Mr McGuigan: Does it happen?

Mr Miron: Generally they take safety precautions. As you know, the cutter controls; if you cut too far, you are going to be in trouble, yes, or if you cut one way a little more than the other, especially on the hollow trees. Yes, they are very dangerous.

Mr McGuigan: I also gather that an experienced woodcutter would make allowances for that. Is that what you are saying?

Mr Miron: Yes. We are not talking about red pine any more, but we were talking about all the other types, jack pine and spruce, and we are getting more and more into these big mechanical machines, at least in northern Ontario, in the Thunder Bay area. We call them feller-bunchers or feller-forwarders. They are in a cab and they snip and pull them down. Instead of the safety hat or putting the safety device on the individual now, the safety device is on the machine. It is a steel canopy and that is much safer. It has cut down a lot on fatalities.

Mr McGuigan: You do not use that machine for old-growth pine, do you?

Mr Miron: No, you would not. You do not generally use it a lot in sawmills; not the snippers, anyway, because they rip the fibre, but they do have the saws. I do not think they do, no.

Mr McGuigan: I was interested in your comments that we do not put enough back. You were here, Fred, when I was talking to the mill owners. I could not get agreement that we are not charging enough for the pine in order to extract enough money to pay for regeneration. I am not talking about more money for the union or for the mill owners; I am talking about more money for regeneration.

I am not convinced that the market sets the price, because if I or my wife buy a pine table, I feel you really cannot make a pine table out of spruce.

The Chair: You have Mr Pollock convinced.

Mr Fleet: We are moving towards a consensus, I can see.

Mr Wildman: There is a veneer of truth in that.

Mr McGuigan: You are getting the grain, but do not make a cross-cut here.

If, as we are told by many people, there is a very limited amount of white pine and we have the last of it here, why can we not control that market a little better than we do?

Mr Miron: I think there is only a limited market. I am not an expert on it, but this is not the last of the white pine. There is a lot of white pine west of here, towards the Kenora border; 100 miles out of Thunder Bay there is a lot of red pine and white pine.

Mr McGuigan: I wish you would expand on this, because we are sort of led to believe that this is the last white pine in the world and when it is gone it is all gone.

Mr Miron: Take a look in the west end of the province, what we call the west end, towards the Manitoba end.

Mr Wildman: Dr Carmean says there are only two stands west of Quetico.

Mr Miron: Oh, Quetico is considered lots.

Mr Dietsch: He said only two stands, Quetico and Temagami.

Mr McGuigan: Still, if MNR controls it and sets the limits, why cannot we get more money out of this great resource and use some of that money, as you say, to regenerate?

Mr Miron: That is fine with me. He is probably right when he said that about \$100 for a tree. Once it is sawed up, a large-volume tree would probably generate about that. I think it is running around \$200 to \$250 a thousand board feet.

The Chair: The industry people made it clear that if they could get more for the white pine, they would get more. They simply will not be offered more. It is not necessarily the same person who builds the pine table who buys the lumber from the mill.

Mr McGuigan: But again, like the fishermen, as long as the fish are out there and you go out and try to harvest every last one, you make absolutely sure that you have a low price. Since the fishermen backed off and just harvested the sustainable yield, they have been getting a good price. That is the point I am wondering; why we cannot do that with our forests?

Mr Miron: One of the things that was not taken into account, and I believe that they have a problem with it, is the export, if they export it with that 15 per cent export tax that is on it. That

was designed to put on \$10 a cord or something like that and that is what it puts on the other that they sell for \$70 a thousand feet, two-by-fours or what have you. You get to the red pine and it is \$200, \$250 a thousand. I am just throwing figures out. You can see what the 15 per cent tax did to the red pine and white pine industry as compared to what it did to the other sawmillers in spruce and jack pine. It is terrible what has happened with it.

I had made a submission to a committee on that, but that was last year. I do not know what has changed since then, but I know that it was not the intent to put that amount of money on red pine. They are really paying the shot, because they have a higher value added product.

Mr McGuigan: I will pass on to other people.

The Chair: There are no other questions, if you had another one, Mr McGuigan.

Mr McGuigan: As I understand it, and I am not a northern lumberman, I think the evidence was that we do not make two-by-fours out of white pine, that it is a high-class wood. I am just pursuing in that area. Surely we could get more money out of that log if we were smart about it and put that money back into regeneration.

Mr Carr: A white pine two-by-four is as useless as a rotten old-growth pine. It has no strength to it; it is useless as a stud.

Mr Dietsch: Spruce or jack pine has better strength.

Interjection: You do not make them anyway.

Mr Carr: No, we do not make them.

Mr McGuigan: I just keep thinking about those windows that cost me \$500 a piece and I wondered how much—

Mr Fleet: It is the glass.

Mr McGuigan: I wonder how much the wood cost that went into making those.

Mr Carr: Was it a white pine window?

Mr McGuigan: It was covered with plastic and so on. I assume it is white pine inside there.

Mr Fleet: Not to mention the two-by-fours are one by four.

Interjections.

Mr Pollock: We have talked about Sweden and comparison to Sweden, but really, Sweden is not our competition here, the United States is our competition in the wood business. Do you think the Americans were justified in complaining that we were selling our lumber too cheap? That is

why that 15 per cent excise tax went on lumber here.

Mr Fleet: Tell us what you think of free trade while you are at it.

Mr Dietsch: Without getting political.

Mr Pollock: Yes, without getting political.

Mr Wildman: One of the arguments for free trade was—

Mr Pollock: What I really want to know is, do the Americans have to pay a high tax on some of these timber lands and holdings that they have and therefore they said, "Heck, we can't compete with the Canadians, who only have to pay a stumpage fee, which is a lot more reasonable than the tax we have to pay on our land"?

1730

Mr Miron: What they were doing in the Pacific Northwest and part of that area in the United States is use it as a money-maker. We use our forests—I think, rightfully, a lot of our natural resources—for job creation, to create employment. In the United States they look at it as a strict money-maker and they put up a lot of their timber there for sale, so to speak, to the highest bidder to pay the bid on it. So the stumpage fees—you know what the stumpage fees are; what you pay for the standing timber so that you can cut it—were running as high as \$100 a thousand, whereas here they were around \$8 and \$10. Do not get me wrong; they are higher now. Now I think they are around \$18 a cord or something like that.

Interjection: Two cord—

Mr Miron: Around \$18 a cord, something like that. They were about \$50 a cord there, and that is why that all came about. They bid too high. In 1982 and 1983 the market was just booming, you know? So over 70 per cent of our production was exported to the United States. We had over a 30 per cent share of the market.

The Chair: That is exactly what I think Mr McGuigan has been saying, that the resource is underpriced, and that that is not necessarily the fault of any individual mill—obviously, they are going to get the highest price they can—but overall the price that the system gets for the wood is too low. I think that is what—

Mr Dietsch: I have got advice for you too. Do not grow apples.

Mr Miron: Do not grow apples?

Mr Dietsch: No.

Mr Miron: In Niagara?

Mr Dietsch: They have got their problems on the market too. So you should not be growing apples.

Mr Miron: Oh, do not grow them. I thought you said you do not grow them, but you do.

The Chair: Any other questions?

Mr Pollock: My neighbour's got an apple orchard—

Mr Wildman: As you said earlier in your presentation, there are an awful lot of players in this controversy, and obviously you represent workers whose jobs are dependent on the availability of timber. At the same time, you said you had a telephone conversation with Chief Potts and you understood that his position is that there would be no cutting—and I agree with you; I understand that to be his position too—but you said that you felt and the union feels that land claims are going to have to be settled if there is going to be any kind of ongoing planning as to where the timber can be cut so mill owners will know where they can get the timber, people who want to work in the mills or in the bush will know where jobs are going to be available and so on.

In the situation we have in Temagami, where there has been a land claim ongoing in the courts for a long time and there has been a caution since approximately 1974 on a large area, what is the position of your union? How do you deal with a situation where there is a land claim that has been ongoing and probably will not be resolved for at least two years in the Supreme Court of Canada? How do you deal with that in representing your membership? I know it is not an easy question.

Mr Miron: It is a very tough question to answer, because the land claims are there. I am not going to argue what should be done. I think the government should sit down and realistically deal with the Indian land claims, get that out of the road and then we will know where we are going—and not only here; it is all over. I think they are going to have to do it. Whether they do it now or later, they are going to have to do it.

In the meantime, this is what happens and it becomes pretty sad, because as workers we get caught in the middle of the controversy and we are pawns, so to speak. We may lose all our jobs because of that question. The mill may go down. Certainly we know that that mill already went broke. We call it belly up. They have got it going again. I think there is something like 70 people now working there again with the limited amount of timber that is available, but we do know that if it goes down again for a matter of a few months, I do not think it will ever reopen. Once it is down it is gone and the money just will not be there, and it will be a sad thing that we cannot use our resources, the little bit that we have.

Mr Wildman: I personally certainly agree with your position that the government has to realistically negotiate the end of that claim so we know where we are at.

The Chair: I think Mr Fleet had a short question to finish it off.

Mr Fleet: It is more of a comment in light of the last few comments that came out. Chief Potts said many things when he was before this committee, many things that were not consistent internally with his own presentation, because he also indicated that, as a band, they had declared what amounted to a 400-year freeze on the forest in 1987. The other times he intimated that, yes, they would have something happening with the land, but clearly he was indicating a far less robust kind of development, if that is the right word, in terms of your economic interests. The way I took that was that clearly there would be fewer jobs available.

In terms of land claims, I think there have been more settled by this current government than any other in the Ontario government's history in terms of land claims being brought forward since

the time that some treaties were signed in the last century. Therein there is obviously an attempt, not yet successful, to resolve the current land claim. That is in the courts and presumably that is where it is going to get resolved.

Mr Miron: As long as that is there, who is going to start a business? Who is going to do anything as long as there is a caution? This is the problem with it. It is the same as—

Mr Fleet: I understand.

The Chair: Mr Miron, I thank you and your colleagues for coming before the committee. We do appreciate it as we struggle through the issue to try to get a better understanding of it. Thank you very much for your presentation to the committee.

Mr Miron: Thank you for the opportunity.

The Chair: The committee will now adjourn until Monday 4 December, when we will have about three and a half hours left to complete our deliberations.

The committee adjourned at 1736.

CONTENTS

Thursday 23 November 1989

Temagami district resources	R-99
Temagami Forest Products Association	R-99
IWA-Canada	R-110
Adjournment	R-120

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Chair: Laughren, Floyd (Nickel Belt NDP)

Vice-Chair: Wildman, Bud (Algoma NDP)

Dietsch, Michael M. (St. Catharines-Brock L)

Fleet, David (High Park-Swansea L)

Lipsett, Ron (Grey L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miller, Gordon I. (Norfolk L)

Pouliot, Gilles (Lake Nipigon NDP)

Riddell, Jack (Huron L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Substitutions:

Owen, Bruce (Simcoe Centre L) for Mr Riddell

Pollock, Jim (Hastings-Peterborough PC) for Mrs Marland

Clerk: Mellor, Lynn

Staff:

Luski, Lorraine, Research Officer, Legislative Research Service

Witnesses:

From the Temagami Forest Products Association:

Hearn, Philip, Co-ordinator

Wilson, John, Vice-President, Liskeard Lumber

Knaapen, Frank, Forester, Tembec Forest Products Inc

Magee, Ron, Chief Forester, Grant Forest Products Ltd

Shusterman, Mike, Manager, Wood Supply, MacMillan Bloedel

Goulard, Marc, General Manager and Director, Goulard Lumber Co

From IWA-Canada:

Miron, Fred, President, Local 2693

Carr, Don, Steward, William Milne and Sons Ltd

A20N
C13
-576



Document
Publication

No. R-7

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Resources Development
Temagami District Resources

Second Session, 34th Parliament
Monday 4 December 1989



Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

NOTICE TO SUBSCRIBERS

Production of bound volumes of Hansard has been discontinued. Subscribers to the current session who wish to have a set bound at their own expense but who are missing some sittings may obtain complete sets or duplicate issues from the address shown at the bottom of the page.

However, beginning with the Third Session of the 34th Parliament on 13 March 1990, complete sets will not be available at the end of the year. Subscribers who plan to have sets bound are advised to retain their individual copies.

Also beginning 13 March 1990, the page size will be increased to $8\frac{1}{2} \times 11$ inches from the present $6\frac{1}{2} \times 9\frac{1}{2}$. Because all committee sittings now are being formally printed, separate subscriptions are required for sittings of the House and sittings of the committees. Separate indexes also will be published for the House and the committees. Beginning with the index for the Third Session, they will be annual rather than sessional as at present.

Subscription information may be obtained from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Monday 4 December 1989

The committee met at 1541 in committee room 1.

TEMAGAMI DISTRICT RESOURCES

The Chair: The standing committee on resources development will come to order. We are here to continue our examination of forest resource management in the Temagami region.

Before we hear from our guests today, I remind members that we are to give an hour to the Temagami Advisory Council and an hour to the Temagami Wilderness Society this afternoon. That will take us very close to six o'clock.

It would be appropriate at that time if we could give Lorraine Luski, our research officer, some instructions, as we will have only about an hour and a half left of the 12 hours that we are allowed on this issue. Members should stay here towards six to come up with a recommendation. If we cannot, then presumably we will have to meet again on Wednesday afternoon, which is a regular, scheduled sitting for the committee.

We have with us Ron Prefasi, reeve of Temagami, and Roman Brozowski, chairman of the Temagami Advisory Council. We thank you, gentlemen, for coming here today. Do you have a presentation you want to make incorporating the slides?

Reeve Prefasi: I do not have any slides, but I do have a presentation or a document I would like to read to the committee. Shall I begin?

The Chair: Any time you are ready.

TEMAGAMI ADVISORY COUNCIL

Mr Prefasi: Allow me to begin by explaining who I am not. First and foremost, I am not a forester, nor am I a forestry expert. They all reside in the dusty offices in the basement of the Ministry of Natural Resources in Temagami, or they work for the government or for the Indian band in conducting studies as to what the foresters are doing in the offices in the basement of the MNR.

I am also not a blind supporter of the Ministry of Natural Resources or of its policies, although at times I do feel as though sitting on the advisory council makes me one of its employees, thus having it expect total loyalty to its cause.

The last thing which I am not is a member of the Temagami Wilderness Society or a preserva-

tionist. To close down all or a portion of our resources to sit untended in perpetuity as opposed to gainfully using that resource for the economic growth of the region, as well as for the enjoyment of all Ontarians, is distasteful.

What I am is a conservationist, as I am sure most Ontarians would lay claim to being. I am concerned about the environment and about how it can be protected and used to its best advantage without being abused.

What I am also is a citizen of a part of Ontario which is turning out to be a microcosm of the world: a place which has seen and continues to see a long-lasting and complex native land claim; a region which has been politically entrenched in a tug of war on limited resources for particular uses and users because of what some see as less than ideal management of those resources; an area which has seen a phenomenal growth in industries, such as venture tourism, which find some difficulty associating with other resource uses; a place where man is no longer the manager of the resource, but where the resource and its attendant controversies are managing man's use of it, and certainly an area of media hype which has misled some of our more prominent figures in Ontario into lending their names to yet another cause. In short, I am a citizen of a part of Ontario which does not have its own future in its own hands.

What I bring to this room is some, albeit limited, knowledge of the area and a viewpoint taken from many perspectives. As reeve of Temagami for the past 10 years, as the vice-chair of the Temagami Advisory Council, a member of Vince Kerrio's Temagami Area Working Group hearings, as someone peripherally involved in Malcolm Rowan's industrial restructuring attempts in Temagami, as a resident of the area who not only has been with it through its heyday of resource use in the late 1960s and 1970s but who has been involved in and concerned about the situation which has developed over the past three years, as such, I will try to answer some of your questions today and I hope that I am able to give you some insight into the complex problem which is Temagami.

I hope particularly that you are able to glean from us today, as well as from all the presenters who have preceded our visit, a feel for our area

that is personal and understanding, and not totally emotional. In human terms, it is more than difficult to separate emotion from fact and from political priorities. If you are able to do that, if you listen to our area with a mind as well as with a heart, you will see that the resolution to local problems will come locally and not from Toronto.

The history of the Temagami area can be traced back to the turn of the century, when it became a fashionable stop for tourists in their quest for a northern or wilderness experience. The Temagami area, as described in a book written by C. C. Farr in 1894, was "not a settler's paradise; but summer tourists will rejoice in it and be glad, for a greater than Muskoka is there. Thirteen hundred islands studding an immense lake where water is as clear as crystal and abounding in fish will make such a resort for city-choked, sun-scorched, dust-laden tourists as Canada never saw before."

C. C. Farr was absolutely right and he was not the only one who noticed the beauty and attractiveness of the area; many others did also and their efforts over the years resulted in the conservation of an area which is today, in many parts, much as it must have been at the turn of the century. The only place he was wrong was in his assessment of the viewpoint of possible settlers to the area, for indeed it has become a settlers' paradise as well as a haven for summer and winter visitors.

Both the people who eventually came to live in Temagami and those who came to extract its resources quickly realized what Temagami actually had to offer to everyone, and for the past 80 years there have been large numbers of us, residents and visitors alike, who can be viewed as working together for the continuation of what we have: the illusion or perception of a wilderness experience, coupled with the jobs which allow us to live in the area and to partake of the experience year-round.

Our heritage is one of linkages among a number of groups which have for the past century used the resources which are today the focus of such attention. It is a linkage of residents, short- and long-term, tied to the resource extractors, both mining and lumbering, connected to the Indian band and bound to the tourists, both transient and destination. It is a heritage which attaches the needs of one group to the needs of another, a history of formal and informal groups and processes all directly aligned to the preservation and betterment of the area. Since the beginning of the usages which we see today in the

Temagami area, there has been discourse and give and take on the part of all the groups involved.

In this semiformal process of give and take over the years, there have been mistakes made and there have been greed and mismanagement at times on the part of various players in the game. However, on the whole, the area still offers today what it offered in its early years, "a witchery of form and colour which must haunt any mortal who has fallen under the spell, until he die." That is a quote from a CPR pamphlet written in 1904 about Temagami, and today it carries the same truth as it did in 1904. The residents of Temagami who have fallen under its spell have given up many of the amenities of city life and have made a conscious decision to live and grow and raise their children in Temagami.

As a result of the Temagami controversy, the bond which has always kept us, the users of the area, on amiable terms began to deteriorate. An area which historically was a community of users with many of the same concerns and feelings has become one with many users warily eyeing the others in the fear that change may occur without their input. As a result of the slowness and plodding of the government in this province, we have come to a time when logical and reasonable answers to the issues raised are going to be hard fought, for the smallest groups of fanatics and close-minded individuals have begun to spring forth with their messages. As a result, the province is still receiving conflicting messages from many areas, messages often based on inaccuracy and innuendo; messages which are often, in fact, based on total error.

Obviously, this makes decision-making even more difficult. It is for these reasons that I must give you today the real flavour of Temagami. We are the users of the area. We are the year-round residents of the area. We are the people concerned about our futures. We are victims on the front lines of what is happening out there, and you will get no clearer picture of the actualities of the Temagami issue than you will get from the people who work and live there.

1550

The prime consideration for Temagami as a corporate body is twofold: to continue to protect as well as it might the Temagami experience, to be enjoyed by all, while ensuring that those who wish to continue to live in the area in which they have worked for so many years may do so. We are by nature conservationists, not preservationists, and this brings with it a duty to see that the resource which we have in our care is

properly managed in order that we may conserve the lifestyle to which many of us have become accustomed.

We, at the same time, must do whatever we can to make the area grow and change in order to accommodate new industry and new methods of job creation which will allow those who are looking for a truly unique and exciting lifestyle to have that choice. The municipal perspective, then, is managed growth, conservation of the resources which we have at our disposal and assurance to those who gamble on a northern lifestyle that we as a community will fight for their right to continue to live the lifestyle they have chosen.

The task is not an easy one. Growth, by its very nature, is indicative of change, and change can affect nature's delicate balance. The task in Temagami then is to find a balance among the different users of our area and to ensure that growth occurs within very limiting parameters, those parameters being designed with thought to the continuation of the area in a state which will allow us to use it 1,000 years from now as we do today. Some imaginative thinking is due.

Much of the decision-making process has been taken out of our hands as a community, however, and we are embroiled in a political rather than a practical situation, so we must start at the beginning in our quest for answers. In order to arrive at a position which will serve as the delicate balance which we seek, we must first begin by convincing the world that we do indeed, as residents, know what is out there, and further, that we have an appreciation for nature in Temagami. Second, we must further convince those who would change what we have by building a fence around us that the north is more than trees and lakes, more than nature; it is, in fact, people who embody the true meaning and spirit of the north. Without these people the north is nothing. Further, we must convince those who know not that without the north, with all of its extractive industries, the province is a short-term entity.

A paradox of the 1980s is that many people want things which few had years ago, such as luxury boats and cars and skidoos; in short, what some would consider the good life. But no one remembers what drives wealth within a province or a country—mining, lumbering, agriculture and fishing are the four components of wealth, and the rest of us feed on these components, whether in secondary industries or in services to these industries. Some smaller countries in the world have tried to survive on tourism, with drastic

results for their inhabitants: poverty and little hope for a brighter future.

The true basis of a 1990s society then lies not with tourism, as many Caribbean countries have come to realize, but with the spinoff from industry. The many canoeists in the south who eye our area with envy would not have the means to purchase a canoe or to take a trip to the north without the wealth producers of Ontario, those extractive industries in the north. Wealth is not created on Bay Street; it is created through the sweat and labour of the timberman or the miner who exports his life to the south in order to fire up the great engines of industry with the jobs which allow those in the south to have the means to vacation in the north.

The north carries the lumbering and mining portions of the wealth equation for the province of Ontario upon its shoulders, and for this reason extractive industries must be allowed to continue in northern Ontario. Our strength as a province relies upon it. Our land and our forests must continue to be used for a multitude of purposes, not for one single purpose. Our resources must be not only for the occasional tourist but also for the lumberman and the miner, for the fisherman and for the traveller and, most important, for those of us who have chosen to live in the north—a very different and exciting lifestyle.

Our local councils, our neighbours, our friends, the local businessmen, the lumbermen and miners, the people who have made Temagami their home, whether permanent or seasonal, whether as summer visitors or life-long residents, it is the people who embody the true meaning of Temagami, for it is the people who have lived and worked here, as well as the people who have come to us each summer to drink in the beauty that is Temagami, who make Temagami what it is today. All of us together have in our trust one of the most unique areas in North America. We have been given the opportunity to enjoy it in a relatively unchanged manner, or at least in a slowly evolving manner, for numerous years. We have managed the resource wisely through the last generation and, given the opportunity, will hone our skills and formalize the process to a point where it will be managed on an even higher scale for generations to come.

The prime import is for the province, in our case, to recognize the fact that we know what we have, that we know how to manage it and that we can manage it even better given the formal process, the funding and the time to do so. We have the will, the knowledge and the experience. Free us from the intervention of so many outside

influences and allow us to manage our own future. Government interventionism is a process which has not worked successfully in society in the past for any length of time and is one which will not work in Temagami. We ask that our problems be ours to solve and that no park be made of our home. We have the people, the will and the process, and that process is the Temagami Advisory Council.

Now, just a short moment on Crandall Benson's report, which I understand is the main thrust of your looking at the area. If I may, I would read to you some statements taken from Benson that I have little or no difficulty in accepting:

"N'Daki Menan is a place of beauty and is therefore the choice of many vacationers. It is also an area with many forest values, therefore the demands on the land by diverse users have been extensive. N'Daki Menan is also an area of the province that is unique in the number and nature of the resources it contains and has contained." I can assure you that is definitely correct.

"N'Daki Menan need not be depleted. It could be retained and even improved at an expense. The expense required is not one solely of dollars but of sacrifice by the users...that they demand no more from the resource than it can provide on a sustainable basis." We have already looked at this kind of thing happening in terms of Milne's lumber company which up to two years ago was cutting 12 million board feet of red and white pine and is now cutting about six million board feet of that same product. So they have adjusted to that situation.

"Ministry of Natural Resources efforts to date have failed to manage the white and red pine forests on a sustained yield basis. The basic reason for the failure is the lack of sufficient successful regeneration, and the area harvested has exceeded the area successfully regenerated. Management for other uses (wildlife, recreation, hunting, fishing, cottages) has been largely influenced by timber harvesting." Of course, all of this has been according to provincial priorities for what should be happening in northern Ontario or in any part of Ontario that has timber as a resource, and those provincial priorities are finally changing.

"The management plans of the MNR concentrate on the production of timber without specifying in quantifiable terms what the effect on other uses will be. A forest stewardship plan requires that the possible sustainable levels of various uses be known. Planning then concen-

trates on achieving feasible levels of those uses as determined by the needs of the people and economic constraints." I agree again with this statement, and the Temagami Advisory Council does provide that process of determining the needs and it will do so more in the future.

"One can be sure that they will say it again" and here Crandall is referring to the MNR talking about practising sustained-yield forest management, and I guess they have said it since the early 1900s, "but can we really expect sustained management unless the management of N'Daki Menan has its policies determined by those most closely associated and dependent upon it." I could not agree more. The people in the Temagami area are the people who are most closely affected by whatever happens there, and the policies that come to Temagami should come from the people in that area.

"N'Daki Menan can be managed in a holistic manner to provide for all users on a sustained-life basis. It only requires recognition of the levels of use that N'Daki Menan can support and the commitment to sustain these for the employment and enjoyment of future generations by the implementation of a forest stewardship plan." The Ministry of Natural Resources, through the Temagami Advisory Council, is developing a comprehensive plan which Roman Brozowski will discuss in a few minutes. It is very suitable to what is happening up there and it is attainable. It is an end that is reachable.

The final statement of Benson's which outlines the basic value that we must not lose sight of: "N'Daki Menan is a land of many resources that can be used in many different ways. The values include timber, fish, wildlife, recreation and"—most important, and those are my words—"a place in which to live."

There are an awful lot more motherhood types of statements in Crandall's report and I endorse a lot of them because a lot of them do reflect what is actually happening up there.

You may well understand now why I feel that the title of Crandall Benson's report is perfectly accurate and representative of the feeling that we all have for the Temagami area: "The need for a land stewardship, holistic resource management plan for N'Daki Menan."

My dispute is not totally with Benson's findings but in how best to deal with the area.

Where we differ is in who should manage it and the process for getting at that management. Although his report does not directly say it, he is looking at a stewardship council that would be managed totally by the band. I feel the process

that is in place, Temagami Advisory Council, is something that is more all-encompassing than just the narrow constraints of what the band would look at. I am saying that it should be managed through a broader base than just the Teme-Augama Anishnabai.

I would leave you with one final statement, this one not from Crandall but from myself. Forest management is a process, not a system, and as such, there will be only a qualitative, rather than a quantitative, definable sustained development. Management, use and study are closely linked and have to be ongoing. Thus the sustained development definition is as alive as the forest because man's needs change over time. The expectations of society in 1990 may not be the expectations of society in 2010. To close the forest for further study is to close one's mind."

1600

I allude to that because there seems to be a move afoot to close down large portions of the forest in order to study it. I think to do that and to try to define sustained development on that basis is really not looking at the total picture. If we wanted to study education, we would not quit educating people while we studied it. We study as a process while it is ongoing.

Crandall Benson raises a lot of questions at the end of his report and I think quite a few good questions actually. I feel very strongly that the Temagami Advisory Council is the process that can reach the answers to those questions.

The Chair: Is there anything else in your presentation or can we get into an exchange with the members?

Mr Prefasi: That is it.

The Chair: I am sure members would be interested if you could bring us up to date on the situation on the road at the present time. Is construction ongoing, can you tell us how much is left to construct, the status of the blockade, just what is going on?

Mr Prefasi: There are about 13 kilometres that are pretty well finished, so just under two kilometres left to construct. The blockade is ongoing. There are people arrested almost daily, as I am sure you must know. The Ministry of Natural Resources, the Temagami Advisory Council and the contractors all feel that construction will be finished before Christmas.

The Chair: Mr Brozowski, did you wish to make a report now?

Mr Brozowski: Yes, I would like to—

The Chair: I think it is better to do it now rather than wait.

Mr Brozowski: I will try to get through this as quickly as possible. I thank you again for affording us this opportunity.

As Ron pointed out, we are not in disagreement with many of the things that Crandall Benson has talked about. We are in disagreement with the process. We think we are on the right track but we are still in the formative stages. The Temagami Advisory Council has only been here for slightly over a year and we are going through some changes internally, changes that are occurring naturally, in some cases, as more work comes on board. You will see that.

I wanted to go through this presentation and give you some idea of the type of things that we are dealing with. To start with, as you know, it was formed in 1988 through the Temagami Area Working Group recommendation. There are eight members, citizen council members, originally chaired by John Daniel. I came aboard about two and a half months ago.

There were two mandates that were given to this particular committee. One was to provide advice on matters referred to it by virtually any individual organization, either public or governmental, relating to land use and resource management in the Temagami district, which opens it up to anything under the sun. The second, and I will talk about it shortly, was the monitoring, advising on preconstruction, construction and post-construction phases of the Red Squirrel Road extension.

Within these mandates, there were several objectives that were set forward:

First, that resources and the environmental values will be protected and managed for future generations. Obviously, this is in accordance with what Benson talks about.

Second, that the natural resources of the Temagami district will continue to support jobs for the residents of the region. This is where we get into some sticky points. If you decide you are going to take more area out of production and if that happens, then you have to consider the consequences to jobs. The resource industry is still a major job generator and, despite what people tell you, tourism is lagging in the north right now. This was one of the years that is not considered particularly good, especially given the recent study that was done on the Highway 11 corridor of the Temagami area. That is part of what the crux of this whole thing is about. It does come down to jobs to some extent and balancing everything else with it.

Third, that the activities permitted in the Temagami district land use guidelines will be

managed in an integrated fashion so that these uses can coexist into the future. I would say right now that if there is an integrating body, as best we can, we are that body.

The identified roles which relate to the first mandate of advising include a wide range of functions such as, and this gives you some idea of what we are talking about, timber management, access and road planning, park management, wildlife management, fisheries, promotion and planning of recreation, tourism and resource values, land use plans, historic sites, forest regeneration and resolution of resource and land use conflicts. We are doing or trying to do all of those things. Obviously, as Benson points out, there are many different groups that are at loggerheads in here, so it is a very fine balancing act that is at play.

The second mandate was related to the monitoring of the Red Squirrel Road and the Pinetorch Corridor, which the council has completed. We have had a subcommittee that was visiting the road very regularly. Right now, we still have one member. It is a time problem because you try to get somebody in there once a week or once every two weeks from the council itself as opposed to the Ministry of Natural Resources, which has somebody going in at least twice a week and also has a technician pretty well onsite.

We have been doing that for the last two or three months, and all of us at some point have been in to have a look and see parts of the Red Squirrel Road. Fortunately, we have had one member who has stayed with it all the way through and has been very diligent. As part of that monitoring organization, we recommend quite often changes or concerns and these are usually taken care of very quickly. So that part has worked very well. But do not get me wrong because the MNR is in there as well and it has done a pretty good job. They are aware of requirements and what needs to be done.

As a result, I think Red Squirrel Road is definitely up to specification. We had some questions on this matter, in fact, at Sturgeon Falls, our public meeting. There were some questions about a few problems there, and I think these were answered very effectively, about what was going on and a few cave-ins that happened. Right now, as Ron pointed out, there are about two kilometres left to finish. They expect to finish up approximately somewhere in the next two to two and a half weeks.

When that time arrives, the Temagami Advisory Committee has decided that we will, as a

group, get in some trucks or cars or something, and travel down the road to have another look at it, as opposed to helicoptering in and then driving one, two or three kilometres to see what construction is going on.

The Chair: Could I interrupt you for just one moment?

Mr Brozowski: Yes.

The Chair: The bells are ringing in the chamber because of a quorum call, so the committee members should decide whether or not they want to head up to the chamber for two minutes or whether they wish to continue.

Mr Dietsch: Do you want to just continue and I will come back?

The Chair: Okay. Thank you.

Mr Wildman: That is why the Tories are not here. They went up to answer the quorum call.

The Chair: All right. Carry on.

Mr Fleet: Generous souls.

Mr Pouliot: There is no excuse for 94 members to have any quorum call at any time.

The Chair: Order. Mr Brozowski has the floor.

Mr Fleet: I would like to have a debate on that. I would be quite pleased to have a discussion about that.

Mr Pouliot: Oh, yes. Certainly I would too, Mr Fleet.

The Chair: Order, please. Mr Brozowski, it may be hard to believe, but you have the floor.

Mr Brozowski: We sometimes have the same problem about having a quorum when we are trying to arrange meetings with the Temagami Advisory Committee. It is not political but, like anything, everybody is busy and I am sure it occurs.

That has been the Red Squirrel Road situation. We think it is well done and it will be completed in the next two to two and a half weeks.

In regard to the role of TAC, since the formation of TAC in August 1988, a large number of tasks have been dealt with, while others have been completed and still others are being initiated. Basically TAC has been involved with monitoring, recommending, reviewing, implementing and identifying new issues or concerns.

Recommendations have been made on the two-year interim timber management plan where cutting in various areas has been made. Minor amendments to such plans have also been recommended by council. I mentioned the Aston Lake area, and recently we went ahead and

allowed cutting in two other areas. But while doing that, you should be aware that we are also concerned with things such as regeneration and we certainly do bring the MNR to task on these things to see what exactly is being done and at the same time the type of cutting that is being done.

That is important to recognize and we are very aware of that. Not everything is clear-cut. There are different forms of cutting, and we are asking that those things be done. At the same time in some areas, only a percentage of cut is occurring which causes no end of problems to the lumber companies because you say to a lumber company, "Well, we are only going to let you go in and cut 30 per cent or 40 per cent in this area." I think you can understand the difficulties that occur, especially if they are building roads.

1610

Those are just a few of the types of amendments that have gone on. We have also dealt with some difficult decisions that you may or may not be aware of, such as the Baie Jeanne and the Cross Lake Access. The Cross Lake Access was closed. It was deemed illegal and part of that was based on the fact that it was felt there was too much pressure of the people, actually from the River Valley and Sturgeon Falls area, having access to this lake, too much pressure on the fishing. It was an illegal access. It was closed and there was—let me put it this way, the people were not particularly happy in that area. There were lots of accusations flying around, but the council made that decision, what they considered to be for the best long-term development of the area.

We are also working on the 20-year timber management plan plus parks management, wildlife management, forest regeneration, as I mentioned, and fisheries planning. The addition of more staff has been suggested for fisheries management in order that more expertise may be brought to bear on this important resource. As well, we have recommended that other staff be added to the MNR and the result of that has been that we were informed the other day that there are four or five people, I believe, that have been added to the MNR staff. At the same time, we have our own complaints about what our staffing is, which is zero at this point, and we hope to change that in the near future, that is, to get somebody who will co-ordinate. We have been promised a co-ordinator because it is very difficult.

We are talking about a citizen group here. We are not talking about the people who are working on a day-to-day basis on this. You are talking about people who have to volunteer tremendous

amounts of their time to this. They are willing to do that, but you have to have more backup and it is unfair to ask the MNR to do all of that. So the result is you end up dealing with everybody in the MNR and, therefore, I think you can imagine the co-ordination problems that occur, even though they certainly do the best they can.

Finally, the identification of new issues, whether by the council, MNR or the public, has also required attention. In many cases, local issues such as road access, gate infractions, illegal trails or more general issues, such as nonconforming land uses in areas where land uses were previously allowed, are studied so that recommendations can be made by council.

I want to talk briefly about decision-making, that is, how we go about making these decisions. You should have an idea of the types of input that we receive. The methods of these are varied. We work through public consultation, expert presentation, division of the internal work among ourselves and visits or field trips to areas of concern, so that we can at least have an idea of what we are dealing with even if we are not experts. There is nothing like being able to visualize an area when it is being talked about by an expert so that you have a better framework to make a decision on.

Public consultation has involved public meetings obviously. We hold these throughout the area and we rotate these right throughout the whole area. Letter responses are another method. Individual contacts with TAC members, that is, people who simply grab all TAC members or phone them, is another way of getting a view of what people feel.

These are ways simply that we deal with this. At the same time, notices that are sent out of these meetings are there for people within the area and we also provide all kinds of information through a drop-in centre at the Temagami office. Maps, videos and handouts are available. As well, the MNR deals with all kinds of inquiries about the area.

Very briefly, we try to deal with the letter responses as best we can. There has been criticism in the past and so we have tried to change that to the point where I feel sometimes I am trying to answer every letter individually. There are an awful lot of letters, as you can well imagine.

When we get into things dealing with a high degree of expertise, then obviously we have to rely on the MNR to give us advice on all of these. They are very good in that particular case.

As I mentioned, council members are contacted individually by people from the area and even from outside. We get numerous suggestions from people, concerns, and that is simply another method that I am sure you are all aware of in your constituencies.

The second method used by council in arriving at decisions involves presentations. We obviously have experts from other areas coming in, from other MNR offices but at the same time from other organizations, and making presentations to us. We have researchers that come in. We recently tried to get Crandall Benson, and he will be up at some point. Unfortunately, he is busy at this time. However, we did have Peter Quinby give us a presentation on Friday, and there are other academics as well who are working on various research topics whom we will be asking to present these as they get their findings complete, to help us make the decisions. This is another way of operating.

A lot of data are also being gathered, whether about fishing or hunting or whatever, because there is so much that is unknown. It will take more time to gather those to make more effective decisions. Some of these studies involve white and red pine, bird and mammal populations, acid lake rehabilitation, surveys for creel, spawning sites, habitat inventories for moose and the identification of natural and scientific interest areas.

The area that the minister recently suggested that we have a look at and make a recommendation to her for scientific study also happens to be the area that the Temagami Wilderness Society has talked about in terms of old growth. We have at least visited the area, looked at it, and think certainly it should be studied, in other words, before it is cut. That gives you some idea that we are concerned and that we try to be on top of these things. I am not sure of the extent of the area. That still has to be decided, because it is a fair-sized area. If you look at it, it does have certain characteristics in it that are interesting, but we need more information.

There are different points of view on this thing right now. Many of the people from the area are saying: "What is different in that area from the wilderness park that is already there, this huge park? What the heck was that created for?" We have to deal with that issue. It is not an easy issue. You are telling people: "Guess what? You are not going in here to cut," and you are saying, "Maybe we will have to redirect your cutting." So we are on a fine line here to make those decisions, and that makes it difficult. As Benson

told you, there are many different points of view on this.

To gain a better understanding, the council itself has tried to divide up the work internally, to have different people dealing with different topics so that they can then either visit the people involved or deal with it and then come back to council, because there are a lot of things being dealt with.

Finally, we make numerous field trips to the areas of concern to get an understanding of these areas. There are many methods that we use to get into these areas. It is an interesting experience to travel throughout the area in that way.

As to decision-making in the future, all of these inputs have assisted the council in generally arriving at some type of consensus through a process of often lengthy discussions and often differing viewpoints. Members often have to resolve in their own minds to what extent democratic rules can be applied to any issue when dealing with direct public input. Does one simply count the comments for and against on any land use question and then make a simple decision? Such a decision could have disastrous spinoff effects for the area or for another part of the region.

If a group of people living in one part decides that it does not want any roads built or that it wants more roads built, does one accept or reject this decision? So we get into the philosophical aspect of these different competing viewpoints and how one threads that line between them and resolves the issue so that, although maybe nobody will be happy, at least it will be done on the basis of good information and what is best for the area in the long run.

In this case, self-interest must be taken into account. Within the democratic process, council has the unenviable task of separating the self-interest of any group or individual from what will best serve the region over the long term. Consequently, decisions have to be made on the best possible information as well as on public participation. What further complicates the decision-making is that on any particular matter, a wide range of views is often present, including the polar extremes. I think this is mentioned in Benson's report. This is particularly the case when lumbering and tourism are involved in the same area or vicinity.

1620

The difficulty challenging the council is that its members, representing the public interest, have the difficult duty of reconciling and integrating the various competing demands that

citizens, groups, firms and other officials bring to bear on the situation. It is therefore essential to establish a good working relationship among the public, the council and the ministry. This relationship has been developing during the last year as the three participants within the area have started working more closely together. Integration of the various viewpoints will be the main task during the next few years as the council, public and ministry begin to work on a comprehensive planning program for the natural resources of Temagami.

The comprehensive planning program: In this new initiative that is going on, TAC has the job of initiating this planning program, formulating objectives and alternatives and recommending to government through the Ministry of Natural Resources plans for the management of resources in Temagami. In this process then, the triangle of the Temagami Advisory Council, the public and the ministry will be further tested. It will be TAC's function to seek public involvement in the planning program and ensure its recommendations are reflective of this input. The Ministry of Natural Resources will be the expert planning body, working closely with TAC and the public in resource planning.

The comprehensive plan will be developed over a three-year period with plans and decisions on resources completed by 31 March 1992, and all major resource components of the Temagami area including wildlife, fisheries, road uses, cottaging, parks, land use, mining and recreation. In fact, we now have before us the so-called initial stages of the recreation; that is, how we are going to go about doing it and who is going to be working on it. We are then going to be throwing that out to the public and getting their input on it. Timber, tourism and cultural heritage will be included.

Obviously if this task can be achieved, and I am convinced that it can with the goodwill of all participants—I say the goodwill of all participants. Not everybody has chosen to participate. As far as some people are concerned, we are a political arm of the government and I can tell you we are concerned about that statement. As a result, in the next few months we are going to start working on redefining our own objectives; that is, our own internal objectives because we do not have any regional objectives. We have a very large mandate and there is a changing role going on in the Temagami Advisory Council.

For instance, the Red Squirrel Road is finished now, so we are going to be diverting our attention to the plan, to getting public input on this plan

and perhaps also trying to get input from the groups that have not recognized us, asking them, "What do you think should be in place?" We are prepared to do that and we are going to start that. In my discussions with the minister, she has been very supportive of that. She is interested in seeing what the role of TAC should be in the future, whether at some point one should go to a representative system; I do not know. This is why I am saying we are now prepared to start exploring that. With the support of everyone, I hope to have some type of set of recommendations for the minister on that, probably by the summer.

The Chair: One question before we go around the table: Two years ago when the minister was with the committee, she announced the closing off of so many hectares; the number is not in my head right now. Where did that come from? Did that come from your advisory committee?

Mr Brozowski: Yes. Let me explain this. What happened was that we started to look at this area approximately in October. The minister was aware of the area. I talked to the minister about the area and said we were looking at it. Obviously, in looking at the area, you have to be aware that some lumber companies have been given cutting rights, so we were trying to discuss with the lumber companies, "Look, maybe we can give you some alternative here."

The lumber companies do not like that. They do not necessarily agree with that. But if we are going to set the area aside for study we are saying to them: "We give you this area. Can you, under those circumstances, work with that area?" The answer you get is, "We can, but we do not want to and we think it will still affect us."

We were looking at that and the minister was aware of it. I think the minister wanted to perhaps speed up the process, get it going and formalize it, which she has gone ahead with. The result is that now we are going to go back and look at the extent of the area. It is in the same area but I am not sure whether it includes all the boundaries we were thinking of. We will get back and recommend to her on the boundaries.

I can tell you that the people of Sturgeon Falls and the Goulard company are not particularly happy with that, obviously. To other people it does not matter. To people perhaps from the wilderness area, this is an area certainly they were talking about.

The Chair: I was interested in the process of those things.

Mr Brozowski: We were definitely advising her on that.

Mr Pouliot: Mr Wildman, MPP for Algoma, is the vice-chairman of the committee, but more important in this context he is also the opposition's critic vis-à-vis MNR. One interesting factor, with respect, concerns what some people call "political arm of the government." Could you share some of that with me, a definition.

Mr Brozowski: Some people—I think Ron Prefasi can address this as well—have stated that we essentially are nothing but a political arm of the government, that we are there with MNR and in that sense we are in the same camp. Some people have said it should be a separate organization, that MNR should not be attached as closely as it is and that maybe we should not be reporting to it, that maybe it should be recommendations as opposed to advice, that type of thing.

That is certainly a question, but when you get down to that sort of thing, perhaps more of it is perception as opposed to what is occurring. On the other hand, some members of our council feel there should be a little more autonomy. In my discussions with the minister—we are going to have her visit us in January and talk to us—she is definitely willing to consider some form of more autonomy.

Mr Pouliot: So you are referring to people who are part of the advisory body, sir. My question is answered.

Mr Dietsch: No, part outside as well.

Mr Brozowski: It is part outside as well. I believe the Temagami Wilderness Society feels, to some extent, that is the case.

The Chair: I just remind members that we have 15 minutes. Is there another question?

Mr McGuigan: I have a question for Mr Prefasi. First of all, I want to compliment him on his presentation.

Mr Dietsch: We were both considering moving up after that presentation.

Mr McGuigan: There is a theme running through it that I have to question. I just want you to consider it and give us your reaction. The theme is that throughout society, really based on our growth in population, the high populations are now competing with one another for various resources and for various services.

I come from an agricultural background and I am very much aware that today the public is very much concerned about food safety and the chemicals we use to grow the crops and process the crops, the way we process them and the effects on the environment, while there are people in agriculture who would like to say:

"This is nobody else's business. It is simply ours. Our ancestors settled on these farms and we are going to do it our way."

That is one extreme position. You can carry that through to the medical field where the doctors today are no longer the only people involved in running the medical system. I would like to suggest that for your own ends, and to get the best results, you have to perhaps look to people outside your particular area.

Mr Prefasi: You are correct in saying that there is a provincial perspective here and that the province does have some concern about what happens in small resource conflict areas, such as agriculture versus concrete and asphalt or up in our area, but what I am saying is that you may have that concern, but we have not reached a point where all of those resources have been extinguished. In the meantime, let us see if the people who live there with the resource can deal with that resource. I think they can. Well, I know they can. I think that at some point the province would have to step in if it were not going properly and say: "Stop. This is it. We are taking over."

1630

Mr McGuigan: Even within the process, we are talking about appearances. If people get the idea from your brief that their ideas are to be disregarded, in the end, I am suggesting, it could hurt you rather than help you.

Mr Prefasi: Very likely. My brief comes from a lot of frustration. There is no doubt that everybody recognizes that for a number of years this monstrosity that was the MNR was very slow and lagging and so was the province and cabinet in dealing with the issues up there, and that builds up a lot of frustration. That is what I am aiming at more than anything, but thank you.

Mr Dietsch: I too appreciated your comments and the thoughtfulness that went into both the briefs as they were presented to us. I particularly noted your words and I think you chose your words very carefully when you were dealing with the fact that you indicate you are a conservationist, not a preservationist.

In the paragraph before that you mention that there are a number of messages that are based on inaccuracy and innuendo. I guess the way I see those kinds of things would be in terms of recognizing the management that you talk about from a conservation point of view and the committee that you sit on with the advisory council in terms of what you view as the long range. I do not know where the statements of

inaccuracy flow from and I want to get your comments in that regard.

Mr Prefasi: I guess part of that stems from press releases, etc, that Brian Back and the Temagami Wilderness Society were putting out in the beginning of this whole thing about the resources being extinguished, etc, which I do not agree with and which I think the scientists who are looking at it do not yet agree with.

Mr Dietsch: In relation to the advisory council and some of the discussions that you get into on the advisory council, and knowing some of the preservation viewpoint that has been expressed on an ongoing basis, what kind of element do you deal with on the advisory council that, because of their absence protects that element during their business?

Mr Prefasi: The individuals themselves. You have to start with the presumption that most of the people who live in the area are concerned about their lifestyle and that they want to stay in the area and live there for an awful long time. If you pick up any northern newspaper you will find that there are local people who are criticizing resource extraction, the timber industry and the mining industry. We do criticize those things, even though they may be our bread and butter, because we are concerned that they are going to be gone in 15, 20, 25 or 30 years and that there will not be anything for our descendants and our progeny to have and to deal with in the future.

We are as concerned from that perspective, I think, as the Indian band does, that there be something left over for future generations. Those of us who live in the north have that valid concern, because there is no doubt that some areas have been raped over the past 100 years. What happens then is that when you take local people and put them on a body like this, they bring some of that ethic with them. We have people from a wide spectrum. We have loggers right up to very close to the Temagami Wilderness Society, although it is not represented. We have people on the advisory council who are very conservationist, very much so, and who are so concerned that they are almost overcautious about what is happening. We do have that broad range on the advisory council right now.

Mr Dietsch: Not to try to put words in your mouth, but just so I understand it in my terminology, your view would be that your group has more to lose by the extinction, if that happened, than would any other group affected by it, so you have that concern. That is what you are telling us.

Mr Prefasi: That concern and that certain knowledge. You can look at an awful lot of very small near-ghost towns in northern Ontario to see that it has happened before, a lot of times.

Mr Wildman: Thank you very much for your presentation and for coming down here. It is nice to see you again. I have two questions. The first one is for Reeve Prefasi. On the last page, prior to your listing of quotes from the Crandall Benson report, you say towards the end of that paragraph that the province should "recognize the fact that we know what we have, that we know how to manage it, and that we can manage it even better given the formal process, the funding and the time to do so." I would just like you to comment and put that in perspective with the views taken by Crandall Benson et al and with Chief Potts and with representatives from MNR who appeared before the committee that we do not know how to manage old-growth forests.

Mr Prefasi: You are coming at it with the presumption that everything out there is old-growth forest.

Mr Dietsch: No, I am not. I am just saying that—

Mr Prefasi: If you look at it just as saying that there are areas out there that need to be set aside, I am a proponent of that. I feel that part of the land base should be set aside for further study, should be set aside for gene pools, etc. My problem is in how we compensate the companies that are going to go in there and cut that stuff. For instance, if I could just refer shortly to the 585 hectares that Roman was talking about a minute ago, here we have a cutting licence that was issued that a lumber company took in good faith, built a road to, and all of a sudden after it had been issued and after everything had been signed, sealed and delivered, we said: "Whoa. You can't cut there."

Now that is fine and I think we should be saying that, but on the other hand we should be saying to the company, "We realize it's going to cost you \$214,000 more to get the same volume of timber from this other area, so we as taxpayers, because we are not going to let you cut here because we have something of a provincial use, are going to pick that up." I feel there has to be some kind of give and take like that for the lumber companies, to compensate them so that they are not taking it in the ear all the time. I am voting in favour of setting aside this 585 hectares because I think it is very important that we do areas, small pieces like that, for closer study.

Mr Wildman: It raises one more question before I ask the other question. There are, it has

been indicated, some other limits in other areas, such as the Shining Tree-Gogama area, that could be used that are being held for some of the companies in the area for later use. So there is an option, it appears, at least. Without getting into that, I would like to ask you as a reeve representing your community, do you think it would have been helpful if the government had spent the \$1 million it is now spending on police on economic development in your community?

Mr Prefasi: It is an unfair question.

Mr Pouliot: Well, you are a politician. You can try—

Mr Prefasi: We will take anything.

Mr Wildman: Okay.

Mr Prefasi: No, I should address it. I think it is unfortunate that resources have to be used in that vein, and there are probably much better uses for that kind of money and we could certainly use that kind of money. But it is important in terms of the province's commitment to standing up and saying: "We are not going to shut down a total resource. They have to continue to push the road through."

Mr Dietsch: Are you suggesting we take all the money that is spent on civil disobedience everywhere and put it in other areas? I think that is—

Mr Wildman: No. It just seems to me that there is an awful lot of money, \$3.5 million for a road, \$1 million for policing. A community the size of Temagami could have used that money.

Mr Prefasi: An incredible amount of money.

Mr Dietsch: You should have started with your leader, after lying down on the road. That would have been a good way to go.

The Chair: Order. Mr Wildman still has the floor.

1640

Mr Pouliot: With respect to Mr Dietsch, the fact that—

The Chair: Point of order?

Mr Pouliot: No, but we do not have to start with this kind of uncalled-for—

Mr McGuigan: You guys started it.

The Chair: Then I will go back to Mr Wildman.

Mr Pouliot: It was a logical question that was asked.

The Chair: Order, please. Mr Wildman has the floor. Mr Wildman, continue.

Interjection.

The Chair: Mr Pouliot, if you do not have a point of order or a point of privilege, you should not be speaking.

Mr Wildman: I think it is unfortunate that we cannot deal with the issue at hand. Anyway, shall we deal with it? I would ask the chairman of the Temagami Advisory Council whether he is aware of the proposal made approximately a year ago by the Teme-Augama Anishnabai to the provincial government, I think specifically to the minister responsible for native affairs (Mr Scott), that a stewardship council be set up that would have 50 per cent representation from the band and 50 per cent representation from other users to deal with the area of old growth, the disputed area. If you are aware of it, was this discussed by your group and were you asked to advise the provincial government on how to respond to that proposal?

Mr Brozowski: I am aware of it. I was not on board when this thing would have first come up, so I am not sure whether the council dealt with it or not. Right off the top of my head, I suspect something like that, for most of the people of the area, would probably not be acceptable. From my feel of what goes on in the area, I think that most of the communities and people would feel that, for many of the areas and for the so-called control of the resources, to give them less a part than they have now would probably cause major problems.

I am not saying there should not be native band representation, because as you know, there is one spot set aside for the natives on the Temagami Advisory Council now. They have chosen, obviously because of their legal situation, not to use that particular spot. That is unfortunate. Whether it should be two members, I do not know, but that kind of representation I am aware of, and I have a feeling it would not be—

Mr Wildman: What is the total number of members?

Mr Brozowski: A total of eight, with an additional spot, as I understand, for the natives.

The Chair: I wonder if you could leave time for a short question from Mr Riddell.

Mr Wildman: I just wanted to finish up. I certainly would not presume to speak for anyone in the area, much less the chief, but I would think that there are two problems with participation on TAC, from their view. One is recognizing that someone else would have jurisdiction on land that they claim to be theirs, and second, the whole issue of whether or not they should be just

one of nine rather than actually having, as they suggested, 50 per cent representation.

Mr Prefasi: Can I just take a second to comment? I think it is misleading to say that—

Mr Wildman: If it is, it is unintentional. I am not trying to be misleading.

Mr Prefasi: —it would be a good situation or a perfect situation. It might be something that worked. I think where it broke down was in the band's insistence that if there were an impasse, it could not be the Ministry of Natural Resources or the government that resolved the impasse. I think it might have worked otherwise. And it never did come before TAC. That was something the government did on its own.

Mr Wildman: That is, as your colleague indicated, related to the legal questions as well.

Mr Prefasi: Yes.

The Chair: Mr Riddell, the final question.

Mr Riddell: I will preface my remarks by saying that, as a farmer in southern Ontario, I have a far better understanding of conservation in southern Ontario than I have in northern Ontario. As the former Minister of Agriculture and Food, we did introduce several programs to conserve land and water. One of the programs we have had in place for a long time in southern Ontario is woodlot management, where we recommend that the big, old trees come down to allow the new growth to come up to attract wildlife back into our woodlots which disappeared. When you have woodlots where cattle grazed and they grazed all the undergrowth, I would defy you to go in there to find wildlife.

Perhaps you could tell me the difference between conservation in southern Ontario and northern Ontario. What I am hearing is that you should not touch these stands, that you should not be knocking down these big old trees that are crowding out the undergrowth, reaching up for the sun and saying, "Hey, I am here and I want to grow," bringing the wildlife back in. I bet you that if I was to go up into some of these old timber stands we are talking about up there, I would not find deer. How much wildlife do you find in these old stands? We talked about preserving wildlife and all the rest of it. Is there a difference between conservation of the forests in northern Ontario and conservation of the woodlots in southern Ontario and conservation of our wildlife, if I can put it that way?

Mr Prefasi: It is probably the difference between preservation and conservation, and different scientists. Peter Quinby will be talking to you a little later on about how the forest

manages itself, from his perspective, and how the big old trees do fall down and clear areas so that the sunlight can come down and small ones can grow. Bob Day, who is a forester doing a study on red and white pine right now, would say there are problems with that. Without men managing the forest, not only managing it but somehow taking the place of fire, which we have stopped happening for the past 80 years, and that is what part of our problem is, there will not be anything to preserve. It will all fall down and it will change over a number of years. So scientists right now disagree with each other as to what conservation is and what will happen.

Certainly, what we are looking at in terms of the Temagami Advisory Council and the Ministry of Natural Resources right now is a management plan, so there will be areas like that where the trees are just going to be left standing so that we can look at them and decide whether that is a forest management technique. There will be other areas that will be cut and harvested and managed. Moose, for instance, browse in clear-cuts, and when the small stuff starts coming up, as you probably know, deer and moose will not coexist. Different kinds of areas have to be set up for different kinds of animals. Brian is going to tell you about the pileated woodpecker probably, which requires old growth for its kind of habitat.

The Chair: Save some surprises for us.

Mr Prefasi: There is a place in our forests for a little bit of everything, I think, but definitely there is a place for management, for harvesting, just as a farmer harvests his fields. If you grow the same thing every year, your fields are not going to be good any more, so you have to return the nutrients to the soil and there are different ways of doing that. Some ways are to let the old trees fall and some ways are through artificial regeneration, so we have to manage the forest.

Mr Riddell: When you say we have a lot to learn, I still maintain that our best teacher is Mother Nature. I happen to know that Mother Nature does knock down these big timber stands at some time, if for no other reason than to allow new growth to come along and to provide feed for wildlife and the rest of it. I just want to know if there is a difference between conservation in northern Ontario and what we practise and preach in southern Ontario for the many woodlots that we do have in this area.

The Chair: We have really run out of time. If you can give a very short answer to that I will allow it, but otherwise we should move on.

Mr Dietsch: Yes or no.

Mr Prefasi: There are not any short answers.

The Chair: I think there are not either.

Thank you very much for coming down here and talking to us. All of us recognize that an hour is grossly inadequate to deal with the problem, particularly talking to you people, and we wish we had a lot more time, but we do not. We thank you very much for coming down.

Mr Prefasi: We thank you for the opportunity to be here, because an hour is better than nothing.

Mr Brozowski: Just to mention to you that the people in northern Ontario, for the most part, I do not think, are aware that you are really holding these hearings. As we found out in Sturgeon Falls, where we had our hearing, they had no idea. I am sure key people know, but for the most part, they are not aware of this at all.

Mr Dietsch: Not to take up time, but while the delegation is changing, I think Mr Brozowski may want to know that it was dealing totally with the Benson report and not some broad-ranged set of hearings in dealing with the overall issue.

The Chair: Our next presentation is from the Temagami Wilderness Society. We have Peter Quinby sitting on our right and Brian Back. Brian is the executive director of the Temagami Wilderness Society. Welcome to the committee. We do know that you know a little bit about the issue, so we welcome you here. We have an hour to deal with the Temagami Wilderness Society. If you were to go through the whole brief, we would not get there.

1650

Mr Back: No, do not read the brief.

The Chair: All right, as long as you understand we are restricted to the hour.

TEMAGAMI WILDERNESS SOCIETY

Mr Back: I would like to thank you for inviting us and also for repositioning us here. I apologize for missing our earlier appointment, but here we are anyway.

I want to deal with a couple of myths. There are lots of myths in this issue, on both sides. I would like to deal with the ones on our side, or deal with us.

The Temagami Wilderness Society was founded in 1986 in Temagami. All of our board members are from the north. We have all been gently and less than gently called liars, etc, on occasion, be we from North Bay, New Liskeard or wherever. I personally have been called a liar with regard to old growth. Two years ago when we first said that it existed in Temagami, everybody thought we were crazy. As a result of

that, we decided the best thing to do to deal with the crazy calls was to get a scientist to come in, which is how Dr Peter Quinby got involved, to go into the forest and determine whether or not there was old growth there in the first place. Peter will speak in a little while.

I still have a few more myths I would like to deal with. One is, what is so special about Temagami? Temagami is the last major accessible wilderness in eastern Canada. Temagami is the major old-growth issue in eastern Canada. Unfortunately, we do not have more of them. As you know, old growth is a west coast issue, a very large one. Whether old growth ever becomes that large in eastern Canada has yet to be determined, since we really do not know where that old growth is, except that Temagami at this point is really the concentration that has been discovered, at least in red and white pine.

Temagami is also very much part of the global deforestation issue. You cannot really separate what is happening in Brazil, Malaysia and Indonesia from what is happening here in Canada. We are cutting in the province of Ontario an area larger than three times the size of Metropolitan Toronto every year. I do not have to point out to you that one out of 10 of us is employed in the forest industry, and it is absolutely vital to our future that we deal with it.

That does not mean that we have to stop logging in northern Ontario. We are not an antilogging group, but we must find some representative wilderness areas and preserve them. I will point out that in the Brundtland report, 12 per cent of the global landscape is what should be set aside. These are not areas to be putting up Frost fences with barbed wire on the top of them.

At the same time, Temagami is very much at the heart of what is going on within our native community in Canada. If we, as Euro-Canadians, cannot come to terms with the people who live on the land, we will never come to terms with the remaining life on the land.

I would also like to discuss what is Temagami, or where is Temagami. I have noticed in looking over some of the earlier presentations made by the Ministry of Natural Resources, by the logging industry, that there seem to be a whole lot of Temagamis under discussion. To you in Toronto, I am sure, Temagami is Temagami is Temagami, but it is not.

This dotted line is the Teme-Augama Anishnabai land claim area. The grey area as the wilderness area is also the area that we propose as the Temagami wilderness reserve. The other

dotted line which has square corners to it is the timber management area, the Ministry of Natural Resources administrative district of Temagami. When Benson put together his report, he was discussing the Teme-Augama Anishnabai land claim. When MNR came in here, I noticed it was referring largely to two management units that remain within the MNR dotted line, so you can see that the overlap area there leaves something to be desired. All three groups are talking about three different Temagamis.

MNR was discussing jobs. As I recall, the industry came in and discussed all of the jobs in the district of Timiskaming, which is considerably larger than the dotted lines you see there. It is in the district of Timiskaming, for example, that Grant Waferboard has one of the largest waferboard plants in the world. They draw poplar from all over northeastern Ontario, so for them to lump together a figure of jobs in the district of Timiskaming—I know this has actually nothing to do with what you were trying to discuss, which is the Benson report.

At the same time, MNR came in, and it referred to its figures as coming from Coopers and Lybrand. We called the ministry office to find out where it came up with these figures. They are not Coopers and Lybrand's figures, but rather at the core of them was some work done by Coopers and Lybrand for the Red Squirrel Road environmental assessment and they attempted to extrapolate with those. We tried to determine in our own way whether we could accept the numbers or not, but we could not understand them.

At the same time too, if you will notice that, at least in terms of the wilderness area, half of their numbers do not even apply to it. In terms of the administrative district that they were referring to, only half of it is actually inside the wilderness area. So essentially, unfortunately—and many of their numbers will apply to the Benson report, but not all of them—they are also missing most of their numbers that apply to the rest of—

Mr Fleet: On a point of order: You start saying "their numbers." I am getting lost because I get the feeling you are talking about different numbers about different things. It would really help me at least if you could identify what you are referring to.

Mr Back: Okay. I think, as I pointed out, the logging industry's numbers refer to the district of Timiskaming, which is not even on there; which has nothing to do with the Teme-Augama Anishnabai land claim area or the wilderness area or the administrative district of Temagami,

except that each is a portion of the Timiskaming district. The ministry's figures are roughly in the same boat. They are not applicable per se to either the report of Mr Benson or to the wilderness area, which, unfortunately, probably leaves you even worse off than you were before.

Mr Fleet: Are you saying there is, in a sense, no validity at all to the figures that we have heard from the different bodies?

Mr Back: In terms of the ministry's figures dealing with that ministry square, yes, it is relevant to that. In terms of dealing with the Benson report, no. In terms of the logging industry's figures dealing with any of those numbers, no; they apply to another area. In other words, what they presented to you was next to useless.

Mr Dietsch: We should have just heard from you.

Mr Riddell: Wait until we get a confirmation, and I will make that decision then.

The Chair: Go ahead.

Mr Wildman: I am not sure Chief Potts would agree with that.

Mr Fleet: Do not confuse him now, Bud.

Mr Back: I did not mean to suggest that Mr Benson's numbers were inaccurate. He knew what he was talking about. He had his numbers together with respect to that area, for the most part.

Mr Wildman: I was just responding to Mr Dietsch, not to you, Mr Back.

Mr Back: Also, the minister, I guess, came in and made reference to an area that she had proposed to be set aside to TAC which is in the Wakimika triangle. That black area in the middle is the Wakimika triangle. You can see it is a tiny portion of the wilderness area, and the same thing is true of the Teme-Augama Anishnabai land claim, which Mr Benson's report applies to.

Mr Wildman: It looks like a rectangle to me.

Mr Back: Yes, well, it gets a little better. Okay, that is the enlarged area. The grey area is the Wakimika triangle. The red area is the area that the minister proposed to set aside. That area contains the largest old-growth red and white pine stand in all of Ontario, which Dr Quinby located and discovered earlier this year. It also contains several archaeological sites, including the Shis-kong-abikong, which is the sacred rock of the Teme-Augama Anishnabai.

1700

My purpose for putting that up is to show that, despite what you may have read in the Globe and

Mail, all of the Wakimika Triangle was not proposed for a freeze, but simply the southwest portion of it. That is very similar to the area that the Temagami Wilderness Society proposed to the minister last May, to create a fund in that area so that Goulard could buy alternative timber elsewhere without any downtime in his mill. That proposal was rejected by the minister. I see the minister has subsequently decided that he would look at it in a different fashion.

In terms of old growth—

The Chair: When you were talking about the area that was set aside, you meant the southeast, not the southwest, did you not?

Mr Back: You are right. Southeast. Within the red line.

I want to talk a little bit about old growth because there has been a very definite shift in local opinion within the Temagami region since old growth became an issue, which was six to eight months ago after Dr Quinby's report, the report that you have in front of you, was released. It was two months after that the Ministry of Natural Resources gathered data that the Temagami Wilderness Society requested, from which they have issued a press release, saying that there were 140,000 odd hectares of old growth of red and white pine in Ontario.

Dr Quinby is going to address this, but I want to point out something very important. From stand maps you cannot determine whether it is old growth. You have to do a field survey, which Peter will talk about. I heard numbers addressed earlier by some of the other presenters. You cannot determine from stand maps—and that is all that has ever been done except for Dr Quinby's work—what is or is not old-growth forest. Peter is the only person to have done any old-growth ecological research in Temagami.

I noticed also that especially the industry referred to the skyline reserve in Temagami. There is no documentation anywhere that says that that is protected area. None. The only reference to it is in the district land use guidelines, which refer to cutting within it. So it is not a protected area, and to have lumped it into figures of 26,000 hectares and 30,000 hectares the numbers that they were—I was even confused reading them, by the way—is totally inaccurate. It is not a protected area. The only protected areas at this point in Temagami are the parks.

I would like to show you a poster, which we are going to give out to each one of you afterwards as a Christmas present. That is an old-growth stand. I do not know how many of you have actually ever been in old growth, except

maybe if you were in Backus Woods. There is virtually none of it left in southern Ontario. That is old growth. You can see that there is a mix of species sizes in there. It is not just big trees and old trees that are at issue. It is old ecosystems that we are trying to save.

I am going to try to get this projector going.

This was a stand of timber that we found. There were trees in there up to 200 years of age that were left to rot. This is an area that, at least when I was growing up, I always believed that the ministry never clear-cut down to the water. It is a common practice, believe it or not.

Also, this particular one here, you can see the bedrock exposed on the right-hand side. That area should never have been cut. I do not know about you, but even farmers I think may have problems growing trees on bedrock, or planting them for that matter.

This is also another bedrock site that was cut. This is just south of Lady Evelyn-Smoothwater Provincial Park. Again, the same problem. Man is never going to be able to go in there and fix it.

Somebody has said that there are no major clear-cuts in Temagami. I do not know who said that but that is simply untrue. This one we measured was two kilometres by a kilometre and a half.

Again, the same sort of thing. This is north of the park.

Mr Fleet: When you say north of the park—

Mr Back: Lady Evelyn-Smoothwater wilderness park.

Mr Fleet: How far north?

Mr Back: About 10 kilometres. The last one actually may have been a little bit closer, the one before that was a little farther, maybe ten kilometres off the road.

This is closer to the town of Temagami, off the Red Squirrel Road.

This is what is still there. This is an old-growth stand. As you can see, there is a mix of species within there. It is not just pine in Temagami and nobody ever said it was just pine. At the same time too, diversity is the basis for stability in an ecosystem and that is very important. Sometimes we think that it is important to bring back simply a red and white pine plantation. That is only going to lead to future problems with regard to monocultures, etc.

What is important to realize and think about is that forests are wild by nature. They are not domestic products. Unless we receive hundreds and hundreds of millions more dollars placed into forest management, I do not even think the dream

will ever come true of ever believing we are going to turn our forests into domestic farms.

I do want to talk a little bit about jobs because I realize it was discussed earlier, that in the town of Temagami—and it may have been mentioned earlier by Mr Prefasi or Mr Brozowski—some local people have proposed a resort destination called Temcor in which they are predicting to employ up to 800 people in the area.

There are alternative possibilities in the area. At the same time too, something which is even more imminent and I find as a northerner particularly disturbing—and maybe it is something I grew up with; it always seemed to be the problem that we never got the attention we needed from politicians—was that a mine called Northern Platinum Mines wants to reopen Kanichee mine just opposite the north town side of the town of Temagami off the highway.

In the month of October the Ministry of Natural Resources removed a bridge from the road accessing that mine. In the month of November they removed the second bridge because it was unsafe. I got a phone call from the president of that mine saying: "Hey, it seems to me personally, as a businessman, rather hypocritical that the government is out there pumping \$3.8 million into a road for what everybody agrees is short-term for William Milne and Sons because of the limited supply of pine down there, yet at my mine I cannot even get the bridges to stay in place. I am closer to the town and I am going to employ"—this is what he told me—"50 to 60 people indefinitely in that mine," which is roughly the same employment level as in William Milne and Sons. I called the Ministry of Natural Resources. They told me that it would cost \$23,000 to put culverts back into that road.

1710

Mr Wildman: On that point, I raised that question in the House with the Minister of Natural Resources (Mrs McLeod), who said she would look into it. Subsequently, the Minister of Northern Development (Mr Fontaine) talked to me privately about it. The figures, depending on whether you need culverts or bridges, range between \$23,000 to \$125,000 to bring the road back into service.

Mr Back: What was the minister's response?

Mr Wildman: They are looking at it. They would like the company to apply to the northern Ontario resources transportation committee for funding, but there are some questions regarding who is liable and so on.

Mr Back: He wanted to have that mine open this winter.

The Chair: We had better move on.

Mr Wildman: The mine will not be open this winter.

Mr Back: I will leave it at that and let Dr Quinby talk.

Dr Quinby: I am honoured to be here to talk to you today about old-growth forest. I will make it quick.

As Brian said, old-growth forest is more than just old trees. Old-growth forest really is a cornucopia of life. It is a very complex ecosystem. It is composed of food chains and food webs, nutrient cycling and energy flow. We are talking about an ecosystem that is not just old trees. We have fungus and algae and lichen. We have all kinds of animal species that may depend on the old-growth forest. We are not sure what kind of animal communities may depend on it in Temagami because we have not had time to study it in that kind of detail.

The Chair: What are those?

Dr Quinby: Those are great blue heron. That is a heronry and that is an old white pine tree, snagged.

They have found in the Pacific Northwest that the spotted owl is dependent on old-growth forest. It has changed the way forests are managed out there quite drastically. In addition, they have found that there is a very high species diversity in some of these old-growth forests out there. In other words, it is not a biological desert. It is not a decadent forest. There are in fact high numbers of species in these old-growth forests.

Before I get on to the tall pines project, I just wanted to make a note that the Society of American Foresters in the United States Forest Service in studying old-growth forest. It may seem rather contradictory that an association of foresters is doing this but the association does recognize the value of old-growth forest in terms of science and management. They also recognize the value of old-growth forest in terms of wildlife populations, gene pools, maintaining water quality and soil stability.

Here we have a group of resource managers who are taking an active role in discovering what old-growth forest is and how we can manage it. In fact, they have stated that it is impossible to create an old-growth forest using silvicultural methods. The character of old-growth forest is such that in forestry we do not have the ability to do that.

For the tall pines project, we have established a total of 108 permanent plots in old-growth

forest in the Temagami area. We intend to continue to monitor these permanent plots so that we can understand how the forest works over the long term. It has been stated in the last five or 10 years by scientific authorities that we need these permanent plots because the only way we can eventually understand how the forest works, how it develops over time, is to go back to the same plot and remeasure it, see how it has changed and relate the changes to other parts of the forest, other forest types, environmental conditions, human disturbance, etc. At this point in time, with the science of forestry and forest ecology, almost every specialist is predicting based on his understanding and knowledge rather than having on-the-ground information and data to tell him what is actually happening.

Now in terms of old-growth forest there are three major characteristics. First, there are large old trees. Second, we have snags which are dead standing trees and third, large logs. These are the three major components that make up old-growth forests. In Temagami, of course, you know that there are old-growth white pine and red pine forests. This is a slide of a white pine that can grow, in exceptional circumstances, to 12 storeys in height. It can also attain an age of 450 years in exceptional growing conditions and up to a metre and a half in diameter.

The red pine does not grow quite as tall as the white pine but can grow to maybe nine or 10 storeys high and can live to be about 300 years of age. In Temagami, as you know, there are the white and the red pine that we know of now. But we also know that there are other kinds of old-growth forests that exist there that we want to look at at some point.

The second characteristic is that of snags. Here we have two old white pine snags. One of the important things to notice here—you know we have talked a little bit about life and death in the forest—is that when a tree dies, what happens is that there is a gap in the canopy that allows sunlight to come down through. So you have in the same process that you have the death of a large tree, the growth of small trees because that resource, namely, light, is becoming more available for the growth of those small individuals on the ground.

Snags are formed in a variety of ways. One way that a snag is formed is through fire and you can see on the face of this particular white pine snag that there is quite a large fire scar and most likely that tree died because of a fire. But you also have wind storms and lightning that will snap these trees off, creating again a gap in the

canopy that allows light to come down through and provides resources for regeneration in the old-growth forest.

Another mechanism wherein trees become snags is that of biological infestation, such as insects and disease. Here we see a white pine tree that has been attacked by some micro-organism or insect. I am not sure which it is in this case but you can see it is becoming a snag. These snags are very important as substrate for insects to feed on. The insects, like boring beetles, for example, and carpenter ants, use this material for food and for nesting as well.

Of course, where you have these kinds of insects you will also find wildlife. Woodpeckers and smaller birds that feed on insects will very often frequent these snags in order to feed. Then woodpeckers hollow out the inner portion of these snags and use them as nesting cavities. You can see that the rather large hole at the top there could very well be a nesting cavity for some kind of woodpecker or a bird such as a chickadee or a nuthatch. They call them secondary cavity nesters.

The Chair: Dr Quinby, where did the term “snag” come from? Is that what you are saying, “snag”?

Dr Quinby: That is a good question. Somebody asked me that the other day and we thought about it. I do not really know the origin of that term, but “snag” is the right term.

The Chair: Old foresters often call them chicots, but they do not know where that came from either.

Mr Back: That is native.

Dr Quinby: I am not sure.

The Chair: Anyway, sorry.

1720

Dr Quinby: In addition to primary cavity nesters such as woodpeckers and secondary cavity nesters such as chickadees and nuthatches, you also get small mammals such as mice and voles and squirrels, of course, that utilize the cavities inside these dead trees. So these dead trees, and very often they are very large, are extremely important as habitat for wildlife. Then, again, we can see here the osprey using a dead tree as a nesting site. Well, it is partially dead anyway. They will very often nest very close to water bodies in order to prey on fish.

The logs are the next component of the old-growth forest. Here is a shot just to give you some perspective on the size of some of these logs in the forest. That particular tree probably died when it was around 300 years old or so.

Logs are very important for one reason: they serve as nursery sites for the germination of seedlings. The seeds land on top of this rotting wood. It is a good substrate. It is moist and there are nutrients that are available because of microbial activity. You get germination and establishment. Along the top of that log you can see there are some seedlings.

Because the organic matter accumulates in these old-growth forests, there are what you might call ecosystem conservation mechanisms going on there, in the sense that there are nutrients tied up with that organic matter. As that organic matter breaks down very slowly over time, so are the nutrients released very slowly over time. So you do not get that excessive loss of nutrients from a system where there is disruption. In fact, you get very good retention of nutrients in these ecosystems.

As you can see here, eventually the log is decomposed, the organic material is incorporated into the soil and recycling takes place. The energy from the wood is used by microbes and insects and the nutrients are recycled back into the soil so that plants can use them for growth. In addition, water quality is very high in areas where you have old-growth forests because they are so stable in terms of the soil and the organic material that builds up in them. These waters are very free from sediments and excessive nutrients.

Getting to the actual regeneration aspects of old-growth white and red pine forest, here we can see what was a catastrophic fire in the Temagami area. There is no doubt that catastrophic fire has been an important natural phenomenon in our forests. What we are finding is it is not the only way that the white pine forest regenerates. We believe that for red pine it is probably the most important. Most of the red pine stands we see are very much even-aged, as you can tell here by the trees, which are all very much the same size and therefore probably the same age.

With white pine we can see that there are a variety of different age classes in these stands. Not everywhere you go, but a large portion of these stands do show that there are individuals of various ages. All of which means that if you have a small white pine tree and a big one, how did that small one get there if catastrophic fire is the only means of regenerating it? Well, that big one would not be there if it were catastrophic fire. It would be charred, it would be dead, but we see big and little, old and young white pine trees growing side by side in some portions of these old-growth forests.

We have to ask the question, how is it that is happening? It is not that we are saying throw out the catastrophic fire theory. We are just saying: "Let's go a step further. We have accepted that. Now let us look in more detail at what else is going on there."

We can see we have a white pine sapling next to two older white pine trees and at the bottom we have a white pine seedling. So how does that happen? It is obviously not catastrophic fire. We have a white pine log in the foreground. It is covered up with moss, it is hard to see. But on the right there is a snag of white pine, two larger trees on the left and a white pine sapling in the foreground. So we have all stages of the white pine forest right in front of us here: the log that was the first tree on that site, the snag that came in a little later, the older tree that came in a little later yet and then the new growth that is coming in.

How does this happen? One way that it happens is through these clusters, these groups of white pine saplings that we see every once in a while throughout the old-growth white pine forest. Anywhere from eight to 100 or so of these saplings occur in these clusters, and we say, "Well, how did this cluster get here?" Obviously it was not catastrophic fire. We know that happens in various places because we can see clusters at various stages of growth, at various ages, and a cluster that is getting close to the mature stage.

Finally, we need to look around and say, "How has this happened?" Here is a white pine tree that was hit by lightning. What happens is the lightning travels down that stem and a fire ignites in the duff. When fire ignites in the duff—and we can find charcoal to show that—it clears a patch. It may just be a patch the size of this room, but if you have good seeds here and those seeds fall down on to that exposed mineral soil you are going to get a whole bunch of little white pine seedlings and saplings and, eventually, trees that are going to come back in and become dominant individuals within the overstory of the forest. Every once in a while you will see areas where fire has burned a small patch, but we also see white pine seedlings coming up when there are no clusters, individual white pine seedlings here and there. How does that happen? We need to explain that. We know it is not catastrophic fire because this is an old-growth white pine forest. There are old trees here.

We think the red squirrel may play a very significant role in this because, as we all know, the squirrels collect their seeds, they bury them

for their winter cache, they eat the seeds. They are not always going to remember where those seeds were cached and many of these seeds are just going to fall by the wayside. When these seeds are in contact with mineral soil you could very well get germination and establishment of an individual white pine seedling.

As I mentioned before, these dead trees are very important in terms of making light more available because as they die you get a gap in the canopy and the amount of the growing resource—namely, light in this case—increases. In addition you will get trees that blow over and their roots will come up. When those roots come up you have exposed mineral soil and a perfect germination medium for the white pine.

One of the problems with estimating how much old growth we have is the fact that the shoreline/skyline old-growth forests are incorporated in that calculation. As you can see here, we do have some old-growth trees there, but is that really an old-growth white pine ecosystem? It is a very narrow, linear collection of trees along the shoreline, but you can see as you come back from that you have spruce, balsam, poplar or some other species. The only old growth you have in there, or old trees, is a strip along the shoreline. The whole idea of the skyline is to cut up to 60 metres, 80 metres, whatever. So that, in effect, is what you have around Lake Temagami, a linear strip of old trees. And is that really an old-growth ecosystem?

We know for sure that this is. This is the stand at the north end of Obabika, the one that has been in the media lately and the one that there is the controversy over right now. We know that is the largest stand in Ontario and we are finding it may in fact be the largest stand left in the world. I have communicated with people throughout all the political jurisdictions where you find white pine. About 20 of the 28 letters I sent out have come back and none of them knows of any stands that are larger than 800 hectares.

We are talking about an ecosystem here that just might be self-sustaining. It just might have the potential, if we very carefully begin to study it in more detail and develop it; it may be that we need to go in and do a little bit of prescribed burning. We may want to even try to let natural fire take its course there. This is a very interesting area because it is surrounded by water and these water bodies could serve as fire-breaks.

What I am saying is that this might be the best hope for an old-growth white pine ecosystem that is self-sustaining. I know from my discussions

with other experts in North America that they are extremely interested in those.

I guess the last slide is just to emphasize the need for more research and I am quite happy that I will have the opportunity to do some of that next summer.

The Chair: Is not one of the problems of an organization like the wilderness society that of convincing people that a tree which falls down through old age is not an economic waste? I get that argument as a northern member. I get that argument more than any other, that if you do not cut them they are going to fall down and die.

1730

Dr Quinby: That is very true. It is a waste if your main objective is fibre, but as we are finding out, there are so many other values of the forest that are becoming more obvious to us as we study, as we get into these conflicts where people are closer together in terms of what they want and what they need. We are seeing that things such as recreation, aesthetics, science, experimental areas, genetics and wildlife are all taking on the importance that fibre once had everywhere. Now we are seeing that fibre is not the only value of the forest everywhere.

The Chair: My only other question has to do with the native land claim. It is clear that if the native people win their land claim, they will engage in selective cutting. Have you had discussions with the band about where it would cut, how much it would cut and to what extent it fits in with your view of the Temagami world?

Mr Back: I have had a number of discussions with Chief Potts about it. What is interesting is that the land claim area is quite a bit larger than the wilderness area upon which the society has been focusing. Although they have never drawn a line as we have on a map and said, "Where is this most important area?" there is no question that, as Chief Potts has on several occasions pointed out, there is the same sort of heartland area that would probably be, if not untouched by them, at least very minimally touched.

If there is one thing we both agree on, it is that we do not know what is in there, because there has been no baseline inventory of either flora or fauna, which is part of what the old-growth survey is all about. On top of that is how to deal with it. Believe it or not, the tall pines project which Peter is working on was originally inspired when Chief Potts gave a speech in Temagami, which I heard about three years ago, in which he said, "We should not be doing anything in this

area until we study it first and learn what it can deal with."

Mr Fleet: I have a series of questions and I will put them to you. I want to say at the outset that I found Dr Quinby's explanation interesting and quite helpful in understanding the perspective of your organization.

I understand that other old-growth areas of pine have been identified in Ontario. This committee heard evidence that there are some near Atikokan.

Mr Wildman: Quetico as well.

Mr Fleet: Quetico. I understand your group may now be taking the view that there is some near Sault Ste Marie. That is one question. I will go through my questions and you can respond to all of them.

There has been some evidence—and it is also something that is repeated elsewhere—that the jobs involved in the logging operation are essentially one year's worth of employment for about 100 people and nothing more. The evidence we had indicated that there is anticipated a sustainable industry for at least 20 years—this is all they have looked at to analyse; it might well be longer than that—and they have specific plans for the next five years. What industrial value is there in an ongoing operation?

The third point is—and you partially dealt with this—the notion of selecting out white and red pine is special as a matter of focus. I understand your organization started focusing originally on canoe routes and that kind of aesthetic consideration, but what I have heard from you today is something that would be clearly contrary, as I understand it, to the concept of sustainable development, which is predicated on the management of resources. I have heard a kind of preservationist—I do not want to put words in your mouth, but that approach is the one it sounds like.

I do not know how you would cope with problems like suppression of forest fires, although I heard your comments and paid close attention to them. None the less, the reality is that in areas where people are around we suppress forest fires and we always will, and that produces a problem.

I would also say that is clearly a perspective different from the one Chief Potts was enunciating before this committee. If I understand his position correctly, essentially he wants native control of resources. It might slow the rate down somewhat but essentially he is not proposing to stop it; he wants to control it. There is a big

difference. It is a very strong philosophic difference, if I understood your point of view.

Lastly, I would be curious to have a better sense of the composition of the membership of your society and where its funding comes from.

Mr Back: Which one do you want us to start with?

Mr Fleet: We can do them in whatever order you like. I have more questions but, given the time, that is my short list.

Dr Quinby: I will address the ones I feel I can and let Brian handle the ones that are more appropriate for him.

In terms of old-growth forests in other areas, the problem is that right now when we identify old-growth forests, at the first level we are using forest resource inventory maps. I use them and the ministry people use them. The problem with that is that they are plus or minus; you can have 30 per cent error on that pretty easily. Everyone admits to that.

You do not have any idea what the snag composition or density is like in there, you do not have any idea about the log volume in density and you have no idea whether the area has been logged since the production of the map unless you go to each district in sufficient time prior to your field work and obtain information related to whether it has been cut or not.

It is a very basic kind of first-level identification of potential, and I would like to stress the word "potential," old-growth forest because, without actually going to that particular stand, we really are not going to know.

The second thing I would like to address is the whole idea of fire. Maybe it is not reasonable to tell canoe trippers that they are going into a fire zone and entering at their own risk, but maybe it is realistic to go in there and simulate in a very careful fashion the effects of fire.

For example, they could go in and rake up all the leaves in an area like this underneath the tree that you know is going to produce seeds, take a barrel or something, burn the leaves in it and sprinkle the ashes around; but I mean, you do not do that. That would be a very close mimicry of Mother Nature, as someone was mentioning earlier. We do not come all that close at this point in time actually to mimicking the effects of Mother Nature, especially when it comes to fire.

The other questions you had might be better for Brian.

Mr Back: I am not really sure what you are asking about. Dr Carmean mentioned this stand of old growth near Quetico. Certainly, since he is a scientist, I presume he has done the work in

there and it is old growth. We have not done any field work in it, nor have we done any field work anywhere else in northern Ontario outside of the Temagami region yet, but we will.

Mr Fleet: Why would you assert it is the last area if you have not done any study of it? I am surprised about that.

Dr Quinby: We know, in fact, from a document produced by the ministry that it is the largest area. We are not saying it is the last stand of old-growth white pine; we are saying it is the largest.

Mr Back: It is the last great stand.

Mr Fleet: That is a very fine distinction. I am not so sure people in the public, let alone the committee, would appreciate that kind of distinction. Certainly it gets repeated as being the last, and there is no modifier that gets repeated.

Mr Back: I hear you. I have seen the media reports referring to the fact, I presume, that we were supposed to have said it, although it never quoted anybody directly. You will find that nowhere in our written material—with the exception of “the last great,” which is the line on this poster—that it is the last of the last.

I did notice that Dr Carmean, who has been studying this for some time, did point out that it was the last significant old-growth pine in northern Ontario, at least the concentration in Temagami.

Mr Dietsch: One of the last.

Mr Back: MNR always believed this was a canoe-route issue and I think that is part of the reason it had trouble coping with it for the longest time. It was never a canoe-route issue. Maybe the fact that Hap Wilson, whom some of you may know is a very well known canoe outfitter in Temagami, originally was on our board, made them believe no matter what that this was a canoe issue, but it was never a canoe issue. It was always an environmental issue.

1740

Mr Fleet: Where does your funding come from?

Mr Back: Probably from some of the members in your riding and virtually every riding in this province and from outside of the province, across Canada. It is entirely from individuals.

Mr Fleet: What about the Temagami Lakes Association?

Mr Back: I believe we received about \$1,000 from them last year. But that is a spit in the bucket next to our budget, which is over \$250,000.

Mr Fleet: What about the question of jobs and the number of jobs that are involved with this?

Mr Back: I remember you mentioned one year—

Mr Fleet: One year's worth of jobs.

Mr Back: I know where that statement probably came from. On your map, the area where Goulard wanted to cut, which was about 900 hectares, if you took that whole 900 hectares the volume of it is 11.5 million board feet. His mill has a capacity of 12 million to 13 million board feet so it would keep his mill going for just under a year. That is where the statement came from. It was referring to just the southern portion of the Wakimika triangle.

Mr Fleet: I take it that is just one portion of it.

Mr Back: Yes, the southern portion.

Mr Fleet: But the question of the road, for instance, involves a heck of a lot more jobs than that. Is that what you are saying?

Mr Back: That is the Goulard road I am referring to.

Mr Fleet: No, but the road itself, if I understood it, would allow access to more than just that area, does it not?

Mr Back: No. That is the end of the road.

Mr Wildman: I think Mr Fleet is referring to the Red Squirrel Road.

Mr Back: Oh, the Red Squirrel Road. There was never a statement made. It was 17 months. There were 17 million board feet of pine available to Milne off there. It is a pine-dependent mill; it uses a million board feet a month of pine; hence, 17 months. I think the one year was referring to the Goulard road, not to the Red Squirrel.

Mr McGuigan: I just want to say, as a farmer, I can relate to the cluster issue. It has certainly been my observation—just checking with my farmer friend here—that where we have a single, say, corn plant in a row and there might be a gap in other plants, one would expect that plant to be larger than the rest but it is usually smaller than the rest. There is some sort of a synergism there in those numbers. It is probably working in the forest.

One of the things you have said is that you cannot create an old-growth forest, and you make a very convincing case with your information on biology and so on. Has this ever been challenged? Why, for instance, could not man take the place of the squirrel who plants that seed where a tree opened up, or a space and the squirrel planted, or a log rotted and provided a

proper nursery site for those plants to get going? Why can man not do that?

I am sure we know or could find out what the nutrient requirements are. We have a very extensive knowledge of the nutrient requirements for economic plants, NPK—the nitrogen, phosphorus and potassium mixture—and then a whole list of minor elements. Why could we not do that?

Dr Quinby: Probably the most important aspect of the old-growth forest is that it is more than just trees. In fact, we could go in and facilitate regeneration. I would not really want to do that until we had an idea of how we were going to be changing the system by doing that. But it would be very difficult to create snags in such a way as to make them occur at the rate they do occur and to create conditions that would make them conducive to wildlife habitat, to ants and to bark beetles. The decay rates are probably very intimately associated with the amount of overstorey and the amount of light coming in and the competition, let's say, the nutrient and the water conditions.

The Society of American Foresters said that nobody has gone in to date and that if that is going to happen, it is going to take a long time before we understand everything we need to understand to do it. But they also ask why we need to do it when the best management for old growth is to set some of these areas aside and let them function on their own so that we can learn how Mother Nature works. That is the way we are going to advance in the field of forest resource management, by studying how Mother Nature does it, because we know for a fact that Mother Nature has been very successful.

We know that self-replacement and long-term succession do occur in these forests. How can we question something that was here long before we were and has potential to continue that way?

Mr McGuigan: I follow what you are saying, but you are really saying that timber cannot be harvested from those—

Dr Quinby: If timber is harvested, you are not going to end up with an old-growth forest at some point in the future, but it also depends on the extent. If you went into that stand and took one or two trees, I do not think you would substantially change it, but if you went in with equipment and even did a selective harvest, you would disrupt the soil and significantly change it.

Mr McGuigan: I know people would think I was out of my tree—

Mr Fleet: So to speak.

Mr McGuigan: —nevertheless, the old method when they used big wheels, I have seen them down in the southern United States, these huge wheels pulled by horses. We have more horses in North America today than we have ever had. Would it not be possible, by changing drastically our methods, that we could harvest those trees and still maintain—

Dr Quinby: There are definitely going to have to be changes in the methodologies we apply for harvesting forests. I would not want to say we should do that in this particular stand. We know so little about even where they are located. At this point it would be premature to do that. Once we have a pretty good handle on where they are, how to define them and how to recognize them accurately, then at some point it may be and will be possible, when we feel we have an adequate amount of it protected, to manage a forest for snags or for logs.

Mr McGuigan: So you do not rule it out once you have learned more.

Dr Quinby: I do not rule that out.

Mr Wildman: I appreciate your presentation for its clarity. We had a number of scientists before us at one other occasion in the committee hearings and they were not nearly as clear.

Mr Fleet: They couldn't see the forest for the trees maybe.

Mr Wildman: So to speak.

I would like you to react to a couple of comments in the Crandall Benson report. It says on page 54: "There is a need to retain them"—meaning old-growth forests—"for study. If we lose the old-growth forest in the Temagami area, we have lost an opportunity for scientific study." On page 56 it says, "The best way to manage old growth is to conserve an adequate supply of present stands and leave them alone." What is your view of those comments?

Dr Quinby: I would much prefer to be working with an old-growth forest that is truly as virgin as possible, as untouched as possible, because that is how we are going to get the best understanding of how nature works. But I do not rule out the restoration of forest. There is a growing field in ecology of restoration. It is happening. People are restoring forests in the United States, possibly even in Canada as well, and in other parts of the world.

I do not rule that out. I do not think we would be looking at the same kind of old growth. We would have to clarify that in fact it is old growth or restored old growth or something. I hate to keep adding terminology to an already confusing

field. Ecology suffers from that terribly, but I think we have to distinguish in those terms.

1750

Mr Wildman: I have just one other question. When the forest industry's association from Temagami appeared before us they had with them a number of foresters and forest technicians who do work for the companies, particularly the larger companies. One of them—I cannot remember which one now—was critical of Dr Carmean from Lakehead University, who was involved with Crandall Benson on the report, because he referred, as you have, to US studies and findings in the United States and the views regarding old growth that have been and are being developed in the United States, and said, "Those are American studies. The climate is different, the topography and so on is different from northern Ontario." How do you respond to that kind of criticism?

Dr Quinby: There is no doubt that he is right in saying there are major differences in terms of climate and soils and developmental processes, etc. However, that is why we are doing field work. We are not going to just blindly accept definitions and concepts that are being developed in a very different kind of ecological setting. We can use that as a guideline but we have to constantly be critical of ourselves when we feel we are making an advance forward, when we feel we are making a step ahead.

We need to look and see if we are accepting something more than we should and if we have adequately looked at all the possibilities of the meaning of this. This is very important. This really could be an extremely important advancement for resource management in Ontario, and in Canada even, and for tourism as well. I think these things can go hand in hand, but we need to be very careful about how we apply what has been done in the past. We have the means to do that and if we maintain a critical perspective then we could—

Mr Wildman: It just raises one other short question. Parenthetically it would seem to me that the reason Dr Carmean and you are referring to US studies is that we have not done enough studies here.

Dr Quinby: That is right. The work that the tall pines project is doing is the largest old-growth field study in Canada.

Mr Wildman: The final thing is that Dr Carmean threw out a ballpark figure of about 1,000 hectares as a minimum, I think, that he felt was needed to retain the integrity of an old-growth forest. You were talking somewhere in

the neighbourhood of 800 hectares. How do you respond to Dr Carmean's view?

Dr Quinby: I would really like to talk to him about that and find out on what basis he is making that judgement, but I would say that 1,000 hectares is a fair size. We need to look specifically at disturbance. We need to look at the frequency of it. We need to know exactly how these trees are regenerating before we can come up with something like that, but certainly a core area of that size with some kind of buffer zone might—it would probably require a very detailed study of the literature and then maybe a few experimental field studies of some sort. I do not think it is beyond possibility to come up with that in a couple of years, for example, but I would not want to go with that number with any confidence.

Mr Wildman: No. As I said, he said it was a ballpark figure.

Dr Quinby: Yes. I would not say he is way off, but at the same time I would say let's look at it.

Mr Back: If I might add to that, part of the problem is that the forest is not a static sort of place. All the insects, micro-organisms and all the way up to the invertebrates, etc, travel, and we do not really know what the relationship is between the old-growth ecosystem itself within the forest and the forest around it. Consequently, you could end up creating these islands that become starved and eventually die and that is part of the problem of how big, how small—

Mr Wildman: That is what MNR argued.

Mr Back: Pardon?

Mr Wildman: That is one of the things MNR argued before the committee.

Mr Back: It is true. It is possible and it is actually happening in Algonquin Provincial Park. They refer to one of their stands there as one of the finest examples of old-growth white pine left in North America. A master's student at the University of Toronto did a study and said, "In 100 years or 200 years, you will not have a white pine nature reserve any more if you do not go in and do something about it."

Mr Dietsch: Mr Back, I am just curious. We were talking about the funding earlier, Mr Fleet's question. Are you a paid employee of the—

Mr Back: Yes. I am the executive director.

Mr Dietsch: Okay.

The Chair: Mr Back and Dr Quinby, thank you very much. We could spend a lot of time with you and we appreciated your slides very much too. They were very helpful. Thank you for

coming down and making your presentation to the committee.

Dr Quinby: Thank you for your time.

The Chair: For the information of—

Mr McGuigan: That was the best presentation we had today.

Dr Quinby: What about yesterday? Just kidding. I just want to know how good it was. How about the week?

Mr Back: Careful with this guy.

Mr Dietsch: Yesterday was a very pleasant day.

Mr McGuigan: He asks the questions and you answer them.

The Chair: He was wondering about the kind of benchmark you were measuring him against, Mr McGuigan.

An hon member: Good as compared to what?

The Chair: This committee has about an hour and 15 minutes left to consider the issue. On Wednesday we will meet again. I would ask members to consider the process on Wednesday. Mr Wildman intends to move a motion and the committee will deal with that. If the committee can agree on a report, that will be reported back to the Legislature. If the committee cannot, there will not be a report back to the Legislature.

Mr Wildman: In view of the time, we have an hour and 10 minutes and I see Lorraine Luski has given us a summary of possible recommendations that the committee might consider.

The Chair: The recommendations that were made to the committee.

Mr Wildman: Recommendations that the committee might look at and determine if there were any we would want to use as recommendations. I would hope the members of the committee would consider that before we meet on Wednesday. One of the things our committee might consider, completely separate from this, is recommending that there be a change to the rules, that there be longer than 12 hours available for this kind of work.

Separate from that, I want to move a notice of motion that can be considered by the committee before Wednesday and then it can be determined whether or not the committee wants to accept it. I want to make clear prior to moving that motion that I do not think these should be the all-inclusive recommendations of the committee. These are recommendations I would like to see, among others, in the report. There are also two typos in this, so I will correct them as I read it.

The Chair: Mr Wildman moves that the standing committee on resources development endorse the position taken by Professor Crandall Benson et al in the report entitled *The Need for a Land Stewardship, Holistic Resource Management Plan for N'Daki Menan* (Temagami area), that, "...there is a need to retain the [old-growth forest] for study...If we lose the old-growth forests [in the Temagami area], we will have lost an opportunity for scientific study (page 54)... the best way to manage for old growth is to conserve an adequate supply of present stand and leave them alone...(page 56)," and recommend:

1. That the provincial government return immediately to the bargaining table to negotiate without any preconditions a settlement of the claim to N'Daki Menan with the Teme-Augama Anishnabai.

2) That the provincial government place a moratorium on further logging road construction in the disputed area (N'Daki Menan) pending the achievement of a mutually acceptable settlement of the native land claim.

3) That future forestry management determining plans for harvest and preservation in the Temagami region only be developed and implemented with input from all of the local stakeholders.

The Chair: That motion by Mr Wildman will be put to the committee for debate and/or amendment on Wednesday afternoon.

Mr Fleet: As a suggestion to Lorraine with regard to the draft introduction, in light of the debate the committee has had I think it would be helpful if it could be amended where it makes reference to, for instance, "The committee made decisions." In reality, it was the subcommittee that made decisions and people reading that would not understand how the process occurred. Although it will probably add another page to explain the process as it really occurred, I thought that would be very useful.

The other thing, perhaps in counterpoint to some extent to Mr Wildman, is that I would really be interested—I do not expect you can do something between now and Wednesday, but thinking about it—in a report that was more indicative of simply what we heard as opposed to one with any recommendations, a report that would simply indicate what it was people came to say to us rather than what this committee might be recommending.

The Chair: That is very difficult in view of the hour. The only way it would work is if Lorraine

as a research officer were to—she has already done some of this work—

Mr Fleet: I appreciate that.

The Chair: —lay out the recommendations that the committee heard and that could constitute a report, but it does not lead you anywhere.

Mr Fleet: I am suggesting that we as a committee would want to consider a report that was more factual in its nature about what they came to claim. That is in many ways more important, in my view, than what recommendations they all made. There were competing claims about what facts were.

Ms Luski: Do you want all those on the table in the report?

Mr Fleet: Yes, that is my interest. I do not know how feasible that is for you to do between now and Wednesday.

Ms Luski: Oh, very unfeasible.

Mr Fleet: I think the committee would want to consider that. We may have to come back another day and not spend much time on Wednesday, given there is an hour and 10 minutes.

Mr Dietsch: You cannot leave out what we heard today as well.

Ms Luski: That is right.

The Chair: Why do we not leave it. This debate really should occur on Wednesday as well.

Mr Fleet: I appreciate that.

The Chair: I hate to leave Lorraine out on a limb of a snag—

Mr Dietsch: Or a chicot even.

The Chair: Or a chicot. It does not help her. Lorraine, what do you understand from what has been said?

Ms Luski: What I think I understand is that Mr Fleet wants sort of a cross-section of views on various key issues that were raised, because there was sometimes a polarity of views. Sometimes there was conflicting information, but everybody was quite clear in what they said, so you want all that laid out for each issue.

Mr Fleet: I would say, to narrow it a little, with respect to the Benson report as opposed to every other possible issue.

Ms Luski: But there were a large number of issues. Do you want me to draft a list for Wednesday and you can pick out, see if your list conforms to my list or if perhaps something has been omitted.

Mr Fleet: Yes. When somebody goes to read the report, he would get a flavour of what came before us.

Ms Luski: Sure. I understand that.

The Chair: All right. Let us see what Lorraine can do with that.

Mr Fleet: That is a suggestion, to see what is doable between now and Wednesday.

The Chair: As long as we all understand the time restrictions on Wednesday.

Mr Fleet: Indeed.

The Chair: All right. The committee is adjourned until Wednesday afternoon at 3:30.

The committee adjourned at 1802.

CONTENTS

Monday 4 December 1989

Temagami district resources	R-125
Temagami Advisory Council	R-125
Temagami Wilderness Society	R-138
Adjournment	R-150

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Chair: Laughren, Floyd (Nickel Belt NDP)

Vice-Chair: Wildman, Bud (Algoma NDP)

Dietsch, Michael M. (St. Catharines-Brock L)

Fleet, David (High Park-Swansea L)

Lipsett, Ron (Grey L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miller, Gordon I. (Norfolk L)

Pouliot, Gilles (Lake Nipigon NDP)

Riddell, Jack (Huron L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Substitution:

Owen, Bruce (Simcoe Centre L) for Mr Miller

Clerk: Mellor, Lynn

Staff:

Luski, Lorraine, Research Officer, Legislative Research Service

Witnesses:

From the Temagami Advisory Council:

Prefasi, Ron, Reeve, Township of Temagami

Brozowski, Roman, Chairman

From the Temagami Wilderness Society:

Back, Brian, Executive Director

Quinby, Dr Peter, Research Scientist, Tall Pines Project



CA20N
XC13
-576



Publications

No. R-8
No. R-9

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Resources Development

Temagami District Resources

Occupational Health and Safety Statute Law Amendment Act, 1989

Second Session, 34th Parliament

Wednesday 6 December 1989

Monday 11 December 1989



Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

NOTICE TO SUBSCRIBERS

Production of bound volumes of Hansard has been discontinued. Subscribers to the current session who wish to have a set bound at their own expense but who are missing some sittings may obtain complete sets or duplicate issues from the address shown at the bottom of the page.

However, beginning with the Third Session of the 34th Parliament on 13 March 1990, complete sets will not be available at the end of the year. Subscribers who plan to have sets bound are advised to retain their individual copies.

Also beginning 13 March 1990, the page size will be increased to $8\frac{1}{2} \times 11$ inches from the present $6\frac{1}{2} \times 9\frac{1}{2}$. Because all committee sittings now are being formally printed, separate subscriptions are required for sittings of the House and sittings of the committees. Separate indexes also will be published for the House and the committees. Beginning with the index for the Third Session, they will be annual rather than sessional as at present.

Subscription information may be obtained from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday 6 December 1989

The committee met at 1536 in committee room 1.

TEMAGAMI DISTRICT RESOURCES

(continued)

The Chair: The standing committee on resources development will come to order. We have one hour and eight minutes remaining in the time allocated for the study of forest resource management in the Temagami area. When we adjourned on Monday, Mr Wildman had moved a motion, which is before members, that I propose we open for debate immediately. The members also have the proposed travel schedule for the public hearings and the clause-by-clause debate on Bill 208. Let us deal first with the forest resource management motion that is moved by Mr Wildman. Mr Wildman, do you wish to speak to your motion?

Mr Wildman: Briefly, because I recognize the time problem, I do draw members' attention to the two typographical errors that have been corrected.

The first part of the motion is that the committee endorse the position, taken in the Crandall Benson report, that there is a need to retain old-growth forest for study. Members will recall that of all of the delegations that appeared before us, most, with varying levels of endorsement, accepted that position. Certainly Crandall Benson and his colleagues, Dr Carmean particularly, did. The ministry also agreed, among other things, that there was need to study old growth. Chief Potts took that position. The industry put less emphasis on it but did accept that there was some need for study. The union accepted that view as well. I think even the Temagami Advisory Council accepted that position. It seems that there is general agreement, although different levels of emphasis, that there needs to be more study on old-growth forests before we know properly how to manage them.

The second part of the motion is some recommendations that I would like to see included in a report. I emphasize that I do not see these as all-inclusive recommendations. Other members would perhaps like to have other recommendations in the committee report. These are ones that I think should be included.

I think it was accepted, certainly by the union and even, to a lesser extent, by the industry, that

the Indian land claim, which has been dragging on since 1974, needs to be resolved in order for there to be a resolution of by whom, and how, the Temagami pine forest will be managed. The chief made clear that he would not re-enter negotiations with any preconditions, that he was not prepared to accept the suggestion that he preclude any court action before a return to the bargaining table or that he accept the \$30-million offer. He was prepared though, he said, to negotiate.

I think if we accept that position, then the second one follows. Obviously if there is a dispute over the land, a dispute over who owns the land, in my view it is inappropriate to have development on the land that one of the parties to the dispute might reject. So the dispute should be resolved before there is a continuation of development on the sites. In this case, the logging road construction is the most important issue. To put it simply, if there is a dispute between me and my neighbour as to where the property line is between our properties and who owns what piece of property, it would be inappropriate for me to go and build a driveway on the disputed piece of land until the argument over who owns that piece of land is resolved.

Mr Fleet: Actually, that happens every day.

Mr Wildman: And it causes very serious court problems in litigation, which I think should be avoided if possible.

The final part follows directly from the Crandall Benson report, "That future forestry management to determining plans for harvest and preservation in the Temagami region only be developed and implemented with input from all of the local stakeholders."

In this case, obviously I am particularly concerned that the first nation, which is now not involved in the advisory committee process, should be involved in determining what areas would be set aside for preservation and study and what types of harvesting might be allowed. Obviously the other stakeholders should be involved as well: the local industry, the union, the dependent municipalities and so on.

I hope that the committee will consider these carefully. I will not go on any further because I know our problems with time. I hope that the committee will accept these recommendations

and that we could make these part of our report to the House.

Mr Dietsch: I want to address a couple of points because I think we should set it out at the very beginning. When we first started to deal with this particular subject matter, I myself was a bit confused about the terms of reference, if you will, about what we were going to be studying. Having had that clarified to me in the very early outset, it was the fact that we were going to be studying and dealing with the Crandall Benson report. However, I found myself the other day, when the motion came forward, looking at a motion that encompasses some additional points.

That somewhat bothers me because in the first instance we were dealing with the Crandall Benson report, albeit some of these things are very intertwined, and I realize that. Some of them are issues that are before the courts, some of them are issues that perhaps many, including some of us sitting around this table, have some very strong viewpoints about. But none the less, we opted to deal with the Crandall Benson report. Although Crandall Benson raises in his report some important concerns that we have heard deputations put forward comments on, I think it is fair to say that—I do not know whether Mr Wildman will agree or not, but I suppose he will, recognizing his fairness and recognizing the points that were made by many of the presenters—some improvements had been made by the ministry. I see him shaking his head in agreement.

Recognizing of course that I am not sure we ever make enough improvements at any one point in time to realize that we should stop, the ministry, in my opinion, has not made that assumption; it has recognized that there was a need for a number of things to be done. There still is a need for a number of things to continue to be done in terms of dealing with forestry in general and Temagami in particular, which was covered by Benson's report.

So I guess the first point I would like to get some clarification on is the fact that if we are dealing with a motion in terms of trying to encompass some of the viewpoints that were made before this committee, we should be dealing with the Benson report—that is what we studied—and we should not be including the three points Mr Wildman puts in his resolution.

Having said that, I think it is fair to recognize some of the improvements that the ministry has made, to recognize that there are some ongoing things happening right now, which was recognized by the ministry in its presentation, recog-

nized by Benson, recognized by the forest industry and the union and Reeve Prefasi. In fact, even the advisory council and the Temagami Wilderness Society recognized that there were some things that were being done, such as the symposium that is being developed on trying to answer the science of old pine management, if you will.

It is my understanding that the symposium is going to be conducted very early in the new year. All of the individuals who came before us are quite interested in participating and adding their very sincere contributions to what will make, in my view, a successful symposium. But that remains to be seen. It is not something that has taken place at this time but certainly is well in the planning stages.

We know through the ministry presentation that there are two studies going on right now in the Temagami area. That, of course, is to answer some of the long-range concerns, some of the concerns that were expressed by the individuals who presented their briefs with Benson, including the individual with regard to the wildlife, the habitat of the forest. So I think there are areas where the ministry is moving now, perhaps not as fast as we all would like to see it go but, in my opinion, on the right track. I think anything we say should not take away from that, anything that we make a recommendation on to further the points that need to be made with the minister. I have been in the House, as we all have, time after time when questions have arisen, and the minister has indicated some ongoing concern for what is happening in the forest industry and making some changes within her ministry to address those concerns.

So anything we say in a recommendation that goes forward should not circumvent those improvements that are being made in the system right now, in my view. I think that it is fair to say that we can comment that those points are being made and that the minister continue to address those areas and continue to go forward in the light of addressing those concerns in the Temagami area. We know that 25 per cent of the old white and red pine stands are found within the park areas. They are not going to be cut. Through discussions with the delegations that came before us, we know that this is not the last white pine stand. There are not a great number of stands left, but this is not the last one. So there is some confusion in the general public about what is happening in that regard.

I think we need to address those areas so that we give credit where credit is due and continue to press for improvements. In my opinion, this place would stop if we did not consider the improvements that were made. We should never be satisfied with those improvements, but we should press on to make additional improvements in our system.

I guess I have some concern about the motion that is before us, because it is not expressed in that light. The motion makes reference to some pages in the study. I really do not know why we make reference to the pages in the study.

Mr Wildman: I would be happy to take the page numbers out of the resolution; that is fine with me.

Mr Dietsch: I quite frankly think that this should be a positive step and that we should address it in that light. I know it is rather hard for the member to acknowledge that improvements are being made by the minister, but in fairness, he has done that, and I think that is admirable. I sit on this side saying that yes, you are right; it is not enough and we are moving along to make further improvements. I think that is an important acknowledgement as well.

I think we need to rework the resolution indicating that Benson in fact raises some important concerns regarding the Temagami district; that we need to acknowledge some of the improvements that have been made; that we address the minister in that light; and that we press the ministry to continue to make improvements, outlining specifically the things that have been done with respect to the symposium that is set up, the studies that are going on and the fact that there is a percentage of the stands being set aside now. Having said that, I know my other colleagues perhaps are interested in making some comments as well.

Mr Wildman: On a point of order, Mr Chairman: Very briefly, I do want to emphasize again, for the clarification of the committee members, that this resolution is in no way intended to be all-inclusive. These are matters and recommendations that I wish to have included in the report, but I certainly recognize that other members may have other matters they want to add beyond this. I do not see this resolution as the sole report, so if other members, such as Mr Dietsch, want to put recommendations before the committee for the report that would include acknowledgement that the ministry has set more sites aside for study over the next two years, that is fine with me. I do not have any problem with that. But the fact that I do not have

it included in my resolution does not mean I am opposed to having it in there.

Mr Dietsch: On a point of order then: I am simply saying that we did not study points 1, 2 and 3 of the recommendations that are put before us and we have no right to include them within any report that goes forward. It is completely out of order, mind you.

The Chair: It is not out of order. Mr Wildman is saying that this is his contribution to what the recommendations of the committee should be. Whatever we come out of this committee with will be determined by a vote of the members of the committee, so that remains to be seen.

Mr Fleet: Mr Chairman, I have a request of you. Technically, I guess it might be a point of order, but I am seeking a ruling, I suppose. It turns on some of what has been discussed, and it is particularly dealing with points 1 and 2; I would exclude point 3 from this consideration. My understanding is that the committee is obligated—it has no discretion about focusing on the Benson report—to deal with that. Witnesses have ranged all over the place. So did our questions. I thought that was in order in light of what they came to say. But in terms of what we are obligated to do, my understanding of the rules is that we are obligated to come within the bounds of the report. I think it is intended that those bounds not be looked at with undue restrictive parameters.

Having said that, I do not think there is anything in the Benson report that talks about substance matter of points 1 and 2, which is essentially a land claim issue. The reason I make the distinction between points one and two and I wonder if you would mind if one of the government members chaired for a while. Would you be prepared to do that, Mr McGuigan?

Mr McGuigan: Sure. You are ruling that it is in order?

The Chair: Yes.

Mr Wildman: If I could make just one short point in response to Mr Dietsch: I recognize the fact that the ministry has set more area aside since this debate started in this committee. If you want to put that in the report, that would be acceptable to me. Also, I do want to point out, though, that on the 25 per cent of the pine stands that are within the park boundaries to which he referred it was admitted by the Ministry of Natural Resources officials that these stands are the accumulation of a lot of very small stands, and I will recall for him that Dr Carmean and Dr Quinby both said that you had to have a very

large contiguous area of old growth in order for it to really be constituted as an old-growth forest.

Mr Fleet: I would like to now speak to the substance of the motion in light of the ruling. I have a lot of difficulty with the recommendations, and I can say flatly that I do not agree with stopping everything pending a legal dispute that is going to go on for years and years. I think there is an obligation on all parties to try to resolve things as best they can in a variety of ways. But apart from that kind of dealing with that part of it, looking to things like the third part, which I am inclined to agree with as a statement—it is generally called a motherhood statement, I think, where we are talking about having all stakeholders involved—I cannot think of anybody who does not agree with that, in varying ways, at least.

The problem I have with making any recommendations of any kind with this report stems from the complexity of the issues, the fact that if I had to do it just to satisfy in my own mind how I would proceed, I probably would want to call back some of the witnesses to ask them questions about other witnesses' evidence. I would want to hear back from MNR very specifically about Dr Quinby's information. You will recall that I asked a number of questions about it and would love to have asked a number more. I think that the Temagami issue is a very complex set of problems. It also involves a very complex and conflicting set of values that different people have, and it is quite clear that there are people who are essentially knowledgeable about the issues and have very different what I will call pools of information. Their knowledge base seems to be quite in conflict with, or at least not the same pool of knowledge as, that of other people, and when you move one step away from people who are less involved, the extent to which they do not understand the issues is immense, not through any fault of the public at large, but simply because they have not had it presented and have not had access to the information.

So when I am looking at this, I say to myself more times than not that I want to ask more questions. I have asked questions privately, not just on this committee, with a variety of sources, and I am going to continue to do that. I do not feel comfortable in the least about making recommendations based only on the evidence we saw. I am supportive of the notion of having a report that gives the reader of the report at some point down the line the flavour of what we heard. That is a far cry from making recommendations on land claim or management issues.

I suppose that if somebody wants to compose a sufficiently motherhood resolution, if I can use that word again, I might end up saying, who can disagree with it? I do not really think the issue or the cause is advanced by doing that. I think the report is a more effective report if it simply tells people what we heard. It is physically impossible for us to debate these issues in an hour and eight minutes, less whatever time we have used; it just is not feasible. I value my role as an independent member—as much as one can ever be independent in this place—on this committee.

I was quite serious when I raised my other point earlier, because I want to know how these things are going to play out down the road. It was not so much that I was worried about this particular report. I probably would never want to agree to make recommendations in this report because I think it is too important to be glib about or to move too quickly with. I am not worried about somebody else doing it; I am worried about me. If I am going to be part of a report, I want to be saying something that is meaningful.

I honestly do not believe we can do that in the time allotted. I do not want to just chew up the rest of the remaining time, but I think my view is clear; I hope it is. I would therefore be disinclined to receive any recommendations from any source. I would like to see us put together something that summarizes, in some reasonable fashion, what we heard, although I must say to our valiant research officer that I think that is a big task and I have lots of empathy for you if you get to carry it out.

Mr Wildman: Mr Chairman, how much time do we have left?

The Acting Chair (Mr McGuigan): I was going to speak to that. With the very little time we have left, I think we have pretty well canvassed this. It would depend upon your agreement of course, but I would like to bring it to a vote so that we can proceed.

Mr Wildman: Can I close the debate. I will speak very briefly. I very much appreciate the points made by Mr Fleet and I understand his view and his concern. I frankly agree with him that I would very much have liked to have had more time. Separate from the issue before us, perhaps that is a recommendation that this committee, as the first committee to ever do this under this new rule, might make to the House, that perhaps we need more time under the rules. That is something perhaps we should consider.

The other comment I would like to make is that I understand the point Mr Fleet made, but point 3 is not, as I am sure he knows, a motherhood

statement in that without point 1 being achieved point 3 cannot be achieved, because the first nation, the Teme-Augama Anishnabai, will not participate until the dispute is resolved.

The Acting Chair: Gentlemen, I have just been reminded by the clerk that there is no way we can extend the time and if we do not come to a conclusion it will be totally in the hands of the chairman. I would ask that all those in favour of—

Mr Dietsch: Mr Chairman, before you call the vote, I would like to ask, is Mr Wildman, having listened to the points that have been raised, going to let the motion stand or is he going to withdraw?

Mr Wildman: No, I am not withdrawing.

The Acting Chair: All those in favour of the motion?

All those opposed?

I declare the motion lost.

Motion negatived.

The Acting Chair: I believe it is in order that we move to the report of 6 December by our research officer.

Mr Wildman: How much time do we have?

The Acting Chair: Thirty-five minutes.

Ms Luski: I believe the clerk has distributed a proposed outline of the report, which is a list of some of the topics we heard that could be used. The order could be changed—whatever the committee wishes. Of course you all have the list of recommendations that we heard. There are 26, and I have included the recommendations we heard on Monday from the two groups that appeared.

1610

Mr Fleet: I would like to ask a question. Lorraine. You have heard my earlier comments as well as the comments last day. I am not fixed necessarily to what I had been thinking of before, but what I had imagined was more a presentation in series of the different groups as opposed to one issue by issue with comparisons. The reason I had thought of it in those terms was because I thought the biggest value of this committee for the members on it that I could determine was to get a flavour of the different viewpoints.

Ms Luski: Would you not do that issue by issue?

Mr Fleet: You can do it, but some issues do not get mentioned at all.

Mr Dietsch: The proposed outline would do that in my opinion. Did you get the two-page sheet?

Mr Fleet: It says Proposed Outline of Report.

Ms Luski: Yes.

Mr Fleet: The reason I say there is another way to do it—I am not fixed to this but I raise it—is that if you wanted to determine the position of the Temagami Wilderness Society at one fell swoop, with this kind of report you have to read the whole report, draw out all the points that are made and then synthesize that, as opposed to reading a two- or three-page synopsis of what their points were.

Mr Wildman: You would rather have it by group that appeared, by witness.

Mr Fleet: By group because my sense is that is the way the issues are being batted about in public. This interest group says this and that group says this. People have impressions of what those groups are that may or may not be correct. As I say, I am not fixed to that; it is just what was in my mind as what we might get. I expect you would get most of these topics, things like definitions of “old-growth pine.” If different groups have different views, that will emerge in the report. I raise that as a consideration. If we do it this way—I am not unalterably opposed at all if we do it the way it is proposed here, but I can see some benefits from doing it the other way.

Mr Dietsch: Could I ask a question of Lorraine? Bearing in mind what Mr Fleet has said, can that be incorporated into the substance as you have outlined it?

Ms Luski: If I understand what Mr Fleet is saying, that would mean—for example, let’s say the first interest group or one of the interest groups that appeared, to summarize what they said in terms of all these headings or as many as—

Mr Fleet: Whatever they decided. Some groups did not mention some things with any particular emphasis. If I am the theoretical reader down the line, I want to know what the groups had to say, what was important and how they stressed things.

Ms Luski: If I recall the text of what the witnesses said, there was so much back and forth and back and forth. I feel it would be clearer if we—perhaps there are some items that are missing off this list, but I think these are the major ones. If we hit it this way, I think we can be more inclusive. I guess I do not really understand or do not have a good feel for your proposal.

Mr Fleet: Let me put it this way: Let me give you a concrete example. The Temagami Wilderness Society premises its position on a notion of ecological preservation. Nobody else really put that forward, as I understood it, in that way. I do

not think I would have understood the Temagami Wilderness Society's position without having some sense of that underlying premise.

Ms Luski: In terms of all the perceptions of the various witnesses, you want their premises to be included in the report as well as what they said about each issue.

Mr Fleet: They were explicit about stating their premises. They said they are worried about the whole ecology, not just white pine.

Ms Luski: I think we would be getting into a very large report if we did that.

Mr Fleet: I did say I thought it was difficult.

The Acting Chair: Can I, as chairman, use my authority here? Again, due to the time limits and the inability to make these changes in the time we have, Mr Fleet, would you agree to go ahead as presently laid out? We understand what you are saying, but I just do not know how we could physically accommodate it. I do not know how we can—

Mr Fleet: I was raising the question. I do not know if it is doable. I am open to your advice.

Mr Wildman: It seems to me that if someone who reads a report by that is done by this committee is interested in finding out that kind of detail, he can then refer to Hansard. Everybody who appeared before us is on record. It would be rather presumptuous of this committee to set out what we understand or believe to be the premises on which each of the presenters based his arguments.

We could go into a great deal of discussion about the fact that Chief Gary Potts seems to have a significantly different understanding of man's role in ecology than most of the other groups. It seemed to me Mr Potts was quite eloquent in saying before us that the wolves, the moose and the deer should have as much say as man in what is done in the area. I think it is a bit presumptuous of us to try to start analysing that.

Mr Fleet: I do not want to analyse it; I have already said it. My proposal was simply to try to get some flavour of the presentations, but if it is not doable, I do not want to—

The Acting Chair: I do not want to be arbitrary, but I think in this case I have to be. There is no way to go back. I cannot see any other way but to proceed the way we are. It is unfortunate we are in that bind.

Mr Wildman: I have a question. Let's say we could agree on the outline. In terms of time it is going to be very difficult for us to go through all of this, but even if we could, how do we then

have a chance to look at it when the draft is prepared?

The Acting Chair: We cannot. I hate being put in this position of being arbitrary, but I cannot do anything else.

Mr Dietsch: I would like to make a suggestion to the committee. In terms of this proposed outline, I have the same concern as Mr Wildman. I do not want this report to come forward and not have an opportunity to read it, to look at it and agree or disagree with portions of it.

Based on what Mr Fleet has said and based on some the discussions we have had today, my opinion and suggestion to the committee is that as we go through the points, for example, the origins of Crandall Benson's report as perceived by various witnesses, we will address some of the points that have been made. If witnesses vary in opinion by their submissions, then it should be pointed out within the context or the headings under the guidelines that you have used. The reader then picks up the flavour as not being one of a unanimous opinion, but one of differences of opinion that were outlined.

If we do that and include the submissions as part of the report at the back, I think the two points will encompass what it is. I suggest the researcher do that, and save the balance of some 25 minutes to go over the report after. I want to make another point very clear. I do not want to walk in here and then go through the report. I want to receive the report and read it before the timetable starts clicking again. If we try to read this right now, it takes up all the time and we would not get the points out. Maybe the researcher can encompass that. If my friends are agreeable, that might be a way to go.

Ms Luski: Get a copy to read before you get back here to comment on it?

Mr Dietsch: Please.

Ms Luski: Sure.

The Acting Chair: Can we adjourn now, then?

Mr Dietsch: That is my suggestion, given the points that have been raised for the researcher, as well as making sure that all the different viewpoints are expressed.

Clerk of the Committee: How long will it take you?

Ms Luski: I could submit it. When do you want to meet? I am in the committee's hand.

The Acting Chair: Before we decide that, shall we adjourn?

The committee adjourned at 1620.

CONTENTS**Wednesday 6 December 1989**

Temagami district resources	R-155
Adjournment	R-160

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Chair: Laughren, Floyd (Nickel Belt NDP)

Vice-Chair: Wildman, Bud (Algoma NDP)

Dietsch, Michael M. (St. Catharines-Brock L)

Fleet, David (High Park-Swansea L)

Lipsett, Ron (Grey L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miller, Gordon I. (Norfolk L)

Pouliot, Gilles (Lake Nipigon NDP)

Riddell, Jack (Huron L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Clerk: Mellor, Lynn

Staff:

Luski, Lorraine, Research Officer, Legislative Research Service

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Monday 11 December 1989

The committee met at 1537 in committee room 1.

OCCUPATIONAL HEALTH AND SAFETY STATUTE LAW AMENDMENT ACT, 1989

Consideration of Bill 208, An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act.

The Chair: I call the committee to order. Just for information, members of the committee, there was an agreement earlier that we would advertise in the various communities where we are going to be sitting. That is being done the week before the actual hearing occurs. In some cases, it is in weekly papers; in other cases, it is in daily papers. More often it will end up being in daily papers, I guess. So that is going to be done for us for January and February.

Any questions on the process? All members have the copy of the hearing dates and places. Before we adjourn there will be more details out on travel arrangements. Okay. Mr Phillips, whenever you are ready, the committee is ready for you. Welcome to the committee.

Hon Mr Phillips: Thank you. This is my first opportunity to appear before a committee so I may need a little direction from you, Mr Chair, periodically.

Certainly, we are looking forward to working with the committee as we address the bill. I thought it might be worth while to introduce some of the staff from the Ministry of Labour because these will probably be the key people whom you will be seeing and who will be working with the committee as we work our way through it.

I think many of you have met Tim Millard before. He is our assistant deputy minister of the occupational health and safety division; Tim is on my right. Norm Shulman is the director of policy and regulations; Norm is right here and will also be working closely with the committee. Bruno Rea, who is one of our policy advisers, is right behind Norm. Bryan Evans is another policy adviser sitting over here and Ivonne Slupinski, another policy adviser, is in the second row there. So I hope you can put the names to those faces.

I thought if it was permissible, I might spend 25 minutes or so giving some opening remarks, then if it suits the chair, answer any questions that the committee members might have and begin to take the committee through the details of the proposed bill, if that is your wish. I would suggest that Tim Millard quarterback that on behalf of the Ministry of Labour.

The Chair: That would be fine.

Hon Mr Phillips: If that meets with your wishes, I will begin.

The government is anxious that we make certain that Bill 208 is the most effective legislation that we can develop to ensure that people on the job do not get hurt or are subject to occupational disease or, more important, are even killed on the job. So there is really one simple goal behind our Occupational Health and Safety Act, and that is to reduce job-related illness, injury and death.

Bill 208, we believe, will do that. We believe, on the basis of our analysis, that when Bill 208 amends the Occupational Health and Safety Act, it will mean that we have the best legislation, at least in North America, in terms of helping to get at some of the root causes of occupational health and safety.

It is within that kind of context that we would like to talk about Bill 208. Our objective is to ensure that when we are finished this process, all of us can look at our provincial Occupational Health and Safety Act and say that is the best legislation anywhere, at least in North America, at dealing with occupational health and safety.

At the risk of repeating statistics that I think most of us here are aware of, I still think it is worth reminding ourselves of the magnitude of the issue that we face. There are seven million days lost each year to workplace accidents. Over 300 people a year die as a result of occupation-related illness or accident. Over 400,000 people are injured each year on the job and, for those people who also look at the economic side of it, quite apart from all the other costs, the workers' compensation bill each year is over \$1.5 billion. But I guess the more significant part of all of this is just the human tragedy that these statistics represent.

So Bill 208 takes a kind of time-tested and well-established system and, we think, dramatically improves it. It improves it and it works because it focuses on prevention; it emphasizes teamwork and it emphasizes partnership. It recognizes that, based on all the things that I have learned about occupational health and safety, the people who are best able to have the biggest impact on occupational health and safety are the people in the workplace. They are the ones best able to prevent illness, injury and death and they are the ones who are obviously best able to develop this partnership.

We think these amendments to the Occupational Health and Safety Act will work because they are built on two basic premises. One, as I say, is that it is the people on the inside, the people on the worksite, who have the insight to recognize job hazards and the best understanding of how their workplace functions and can prevent these job hazards.

I think it is important, though, to recognize that we need to do more, and Bill 208 assists the courts and the government to back up the workplace parties by rewarding good health and safety records, by providing the mechanisms to get at the poor performers and to punish poor performers. The legislation has teeth; it includes a system of substantial fines and jail terms.

So, as I say, I would like to just repeat the goal I hope all of us share and that is, in the end, to have the best piece of legislation anywhere in North America at achieving our objective of reducing occupational health and safety, reducing illness, accidents and death in the workplace.

It is fair to say that this act will provide for something that no other jurisdiction that we are aware of has and that is a jurisdiction-wide—in this case a province-wide—agency that will be composed of employees and employers who will set standards of health and safety training for all of the workplace parties. No other jurisdiction will have, as we will have, a proven pool of people who are operating in the workplace, who are trained and are certified as having attained the necessary standards of health and safety education.

No other jurisdiction that we are aware of will have made the statement about the importance that we place in workplace health and safety, as we will have, by taking the fines from the current maximum of \$25,000 to \$500,000 and the jail terms to up to a year. No other jurisdiction that we are aware of will have made the investment, as we propose to do under this act, in properly training the workplace parties so that they have

the ability to make their own informed decisions about how their workplace should be run for maximum health and safety conditions.

Just to give you some of the tools, if you will, that will help us accomplish this in the workplace, Bill 208 will give employers and employees the best tools to make their workplace healthier and safer. These are the tools that we believe people need and must have in order to accomplish the goal of greater safety right in the workplace.

They must have formal mechanisms and the bill calls for the establishment in somewhere around 50,000 workplaces of joint health and safety committees. Currently in the workplaces in Ontario we have approximately 30,000 joint health and safety committees and this proposes to take it to 50,000 joint health and safety committees.

These committees are clearly a proven partnership between the employer and the employee. The committee must have formal training to recognize workplace hazards and we are, as I said earlier, proposing that we establish a province-wide what we will call a workplace health and safety agency. This agency will set uniform standards of training; uniform standards that will help to identify the necessary training required for what we call certification of the required health and safety committee members. That will certify that they have achieved particular levels of safety education.

We are also going to ensure that the agency which develops these standards of training and the province's health and safety associations—and I think the members are aware that currently there are nine health and safety associations in the province—will be responsible for actually delivering the training. Both of those organizations, the agency and the safety associations, are set up so that employers and employees have an equal say in how the training is provided. The training system is very much the backbone of a preventive health and safety system and the workplace parties have to have true and equal input to ensure that partnership.

1550

You will remember I mentioned earlier that one of the basic tenets of this bill is to develop those partnerships in the workplace. The people in the workplace must not just be allowed to inspect the workplace, but indeed be required to inspect the workplace. We are proposing that at least on a once-a-month basis, the workplace be inspected and at least annually, the entire workplace be inspected. We will require the

employers to respond to the recommendations of the joint health and safety committees in writing within 30 days. Workplaces have to write a health and safety policy and have a program to follow it up with action.

People already in Ontario have the right to refuse to do dangerous work under the act, and that right under Bill 208 is going to be expanded to include dangerous work activities. As well, Bill 208 will provide a means for certified joint health and safety committee members whereby dangerous work can be identified and stopped.

We talk a lot about partnerships and the need for the workplace parties to have the prime responsibility but we do not think they can do it all on their own. Bill 208 gives the government and the courts the clout to make sure that the job gets done. The people who are on the site day in and day out, who know the workplace, who know intimately how the work gets done are the people who know best what the hazards are and how to prevent them. They are the people in the factory, on the shop floor, on the construction site and in the office.

It is true we are encouraging the workplace parties to assume greater responsibility for workplace health and safety, but we are also coupling them with the tools to be effective. We are emphasizing this approach because they are the ones whose health and safety obviously are at stake. They are the ones best able to be vigilant and they are the experts on how the workplace functions.

As I said earlier, we will back them up. The bill goes on to expand the enforcement capabilities of the ministry and expand the government's authority to respond to those cases where intervention may be needed. We are backing up the law, we are putting teeth to the legislation by giving the Ministry of Labour inspectors increased authority to secure necessary evidence, to shut down suspect equipment and to direct the employers to provide information on safety hazards to the inspector and to employees.

We are also requiring that the officers and directors of corporations be accountable for workplace health and safety. With the amendments proposed with Bill 208 they can be charged under the act.

We are also giving the courts the option of imposing greatly increased fines. Where the maximum fine that could be levelled against a corporation under our current Occupational Health and Safety Act is \$25,000, Bill 208 will multiply that by 20 to a maximum fine of \$500,000.

We are also proposing to offer specific incentives to companies that have a good track record. A high-performing workplace could see reductions in the amount of money the employer must contribute to fund the workers' compensation system.

Just to summarize what we have been talking about so far, Bill 208 significantly strengthens our existing Occupational Health and Safety Act on two fronts. It strengthens very much what is called in the area of health and safety the internal responsibility system, which is the most meaningful place to emphasize the preventive approach to workplace health and safety. That is the place where clearly significant advancements can be made, but it also strengthens the government's ability to enforce the law and to ensure that people are accountable through a system of rewards and punishments for actions.

Those are, in summary, the highlights of the bill. I would like to turn now for a few minutes to some aspects of the bill which we think can be improved. These, of course, are some of the areas on which we will see a lot of comment from the committee and also from the community that will be here giving the committee its point of view.

Mr Mackenzie: You would not want to stop just at the end of page 4.

Hon Mr Phillips: I realize not everyone agrees that these are improvements to the bill. I accept that, but I think I would like to go through the basis on which we think they do represent improvements to the bill. As I say, I think that is something the committee, as it conducts its activities over the next three months, can reach its own conclusions on.

The first is the health and safety agency. As I said in my comments at the second reading stage of the bill, we would propose to the standing committee that you consider the addition of what we would call a neutral chair to chair the board. I appreciate the concerns of some, particularly many in the labour movement, that this would jeopardize the bipartite nature of the agency.

What we are suggesting is that we find the mechanism where that neutral chair could be selected by the two parties and remain accountable to them. This is not a unique idea, I might say, because there are many examples where the two parties have been able to agree on a neutral chair and one which—

Mr Wildman: It is the case of this committee.

Hon Mr Phillips: There you have it. Point made.

That, I might say to the committee members, as you probably already know, is going to be a subject of an awful lot of input to the committee. We believe that it would assist the committee in its activities and would ensure that it be operated at the maximum effectiveness. We are also suggesting that we add four health and safety professionals, two from a slate nominated by labour and two from a slate nominated by management, and that there be a small business advisory committee that would provide the agency with advice from the perspective of small business. So that is one area that we are asking the committee's consideration on.

The second is the safety associations. I mentioned earlier there are currently nine safety associations across the province. As most committee members probably realize, they fall under the mandate of the Workers' Compensation Board. Their programs are sector-specific. For example, the Construction Safety Association of Ontario obviously is involved in safety training for people employed in the construction industry; the Forest Products Accident Prevention Association is involved in the forest industry, and so on.

Currently these employer associations respond to specific health and safety training and educational needs at workplaces within their respective jurisdiction. Their focus is prevention through education. They develop industry-specific health and safety education. Their programs and their budgets are reviewed by the Occupational Health and Safety Education Authority, which is part of the WCB. The WCB is involved in the funding for the associations and helps them to develop province-wide health and safety education policies.

The Workers' Health and Safety Centre, operated by the Ministry of Labour, has a similar aim. It is proposed that these bodies and the Workers' Health and Safety Centre be moved from under the aegis of the Workers' Compensation Board to the agency. Currently they are within the Workers' Compensation Board, and we are proposing in the bill that the safety associations and the Workers' Health and Safety Centre move under the agency.

The agency will set standards for and will certify representatives of employers and employees on the joint health and safety committees. The industry-specific associations, though, will be responsible for delivering the training.

It is also recommended that the direction of these associations be carried out equally by employer and employee representatives. That will be ensured, at least in part, by requiring that

the boards of the agency and the safety associations be required to be composed half of employee representatives and half of employer representatives.

It is recommended that the standing committee consider the safety associations and that the centres be given additional time to make these adjustments and extend the time from one year to two years. Currently, for your information, Bill 208 requires them to make those changes in one year, but there seems to be a general feeling that it may take them longer than that and we are proposing that the organizations be given two years.

1600

The third area for consideration by the committee is the right to refuse dangerous work. As all the committee members know, I am sure, under the existing act, currently workers in the province have the right to refuse dangerous work based on the physical condition of the work environment. For example, of course a person can refuse to operate unguarded machinery. Bill 208 proposes to expand that right to include work activity.

In our recent consultations, the question of defining work activity has arisen so that this right can be clearly interpreted. The intention was to include work activity, that is, a particular physical task, separate from the work environment that could pose a hazard. For example, I think a classic example would be the right to refuse to lift an unreasonably heavy load. The right to refuse dangerous activity is meant to apply when the hazard or threat is imminent.

There are other well-documented instances of injuries that have resulted from an activity that was sustained and long-term. For example, most people have heard of carpal tunnel syndrome, which is a wrist tendon injury associated with keyboard operations. This type of injury results from sustained, repetitive motion, and we propose that the most appropriate way to handle this type of situation would be to have it investigated by the joint health and safety committee, which in turn would make a recommendation.

The fourth area of consideration for the committee is the certification requirements on construction sites. Bill 208 would require that construction sites for the first time establish joint health and safety committees. Like other workplaces, the joint health and safety committee would be required in the workplaces where there are 20 or more workers. I know this was an issue of some concern at second reading by some of the

members, and we continue to recommend joint health and safety committees where there are 20 or more workers. Based on our best estimate, I think that would represent somewhere around 5,000 joint health and safety committees on construction sites in the province from fewer than 10 right now, so we are not proposing changes in the establishment of joint health and safety committees on construction sites.

However, concern has been expressed about meeting requirements for the composition of a joint health and safety committee. The bill states that a joint health and safety committee must have one employer representative and one employee representative who are certified. The current bill says that joint health and safety committees must have one certified representative of employer and employee.

Frankly, on the basis of our consultations, this would be a very difficult task to accomplish on many smaller construction sites where worker turnover is high and people are on the move; therefore we propose that the requirement to have certified representatives on the joint health and safety committee should apply only to those projects where there are 50 or more workers. You can have joint health and safety committees at 20 with a requirement for the number certified to be at 50. In a group of that size, those who know the construction industry will say it should be possible to locate qualified certified people to serve.

There are other possible changes to Bill 208. As the committee goes on to hold public hearings in the province, it certainly will receive a number of submissions from interested groups that propose additional changes. Already in our ministry we have received a number of such recommendations, and we believe that some of the concerns we have heard perhaps are already accommodated and perhaps may be the subject of misinterpretation.

In other cases, we expect to propose changes that will accommodate some of those concerns. For example, we propose to clarify that section of the bill that addresses the matter of selecting which employee representatives serving on a joint health and safety committee will receive training leading to certification.

We propose to clarify that those persons must be selected by their fellow workers, not by the employer. The original act already stipulates that worker members must be chosen by other workers, and we will propose to extend that principle in this situation as well. I gather that as people looked at the wording of Bill 208, there

was some confusion on that, and we propose that that be clarified.

Another example of concern involves the process of appealing a decision made by the Ministry of Labour inspector, and we suggest that may require an amendment. That is, we will be proposing to modify the appeal system so that the office of the director of appeals is more clearly separated from the other processes of the Ministry of Labour. I believe some have indicated concern that because the appeals group is right within the ministry and reporting within the ministry, that causes some people concern about its objectivity.

Another example of concern expressed has to do with the issue of clarification. The specific issue is that of giving authority to certified members of the joint health and safety committee to order and rescind an order to stop dangerous work. There is concern that the bill as it is currently worded leaves open the possibility that one certified member may order dangerous work to be stopped, only to have that order countermanded by another certified member, and so on. We propose to clarify the wording of that section of the bill to ensure that that situation could not arise.

The examples I have mentioned are just a few instances in which we believe changes would be appropriate. There likely will be others presented to the committee in the course of your hearings. I am sure there is room to accommodate changes that will have a positive impact on our proposed improvements to the act.

There is one final matter I am asking the committee to examine in detail that is an issue of significant interest to members of the committee, and that is the whole issue of how to amend the act in order to address the authority to stop dangerous work. What we are suggesting there for the committee's consideration is that it perhaps look at one suggestion. Currently the bill would authorize a single certified member of the joint health and safety committee to direct the employer to stop work immediately in situations where the threat to an employee is imminent.

But there may be other approaches to this issue. One possible approach, which I suggest the committee consider at second reading stage, might be that the decision to stop work would be made jointly by both the certified employer and the certified employee member of the joint health and safety committee. This approach would be ideal in a workplace situation where the internal responsibility system is working well and the joint approach can work well.

However, where there is evidence that the workplace has a poor record on health and safety and where the commitment to this idea on the part of the employer is seen to be unacceptable, there may be other approaches to take. For example, a certified member could make the unilateral decision to stop work, if necessary, or a Ministry of Labour inspector could be assigned to that workplace immediately and at the employer's expense to bring about the renewed commitment.

The reason I am asking the committee to examine other approaches is that since the bill was drafted, consultations with groups have continued and it has been pointed out that the original proposal to authorize a single certified member to stop dangerous work seemed somewhat inconsistent with a system that has fundamental to it this partnership and co-operation. The approaches I have suggested may not be the only options available. The committee may receive many suggestions during its public hearings, and I look forward to your help in coming to the best conclusion on this issue.

Just to begin to conclude, Bill 208 has involved considerable consultation with many people across the province. Some of the changes we would like the committee's consideration on have evolved in the course of these consultations that have been going on since the bill originally was introduced to the House.

As I mentioned earlier, it is possible that as a result of continuing consultation and the standing committee's examination, there may be further changes. The bill significantly expands the effective participation of the workplace parties in promoting health and safety; ensures that these parties are well trained to recognize workplace hazards and deal with them; goes on to give them the authority to act on that knowledge; ensures that the parties are held accountable for the actions.

Working people and employers will be empowered to do more than ever before to make their workplaces healthier and safer. The governments and the courts will have the means to back them up. The bill will make Ontario's Occupational Health and Safety Act the best occupational health and safety legislation in North America and the best at achieving our objective of reducing accidents and injury and death and disease in the workplace.

Mr Chairman, I look forward to the committee's deliberations and I look forward to working with the committee and, at the end of this process, to proudly coming forward with an

Occupational Health and Safety Act that we will all be proud to have had an input into.

1610

The Chair: Thank you. Did you wish now to have Mr Millard say some things or did you want to get into an exchange with the committee?

Hon Mr Phillips: I would be happy to answer any questions. Then we thought we would have Tim begin to take the committee through the act, if that is all right.

The Chair: Okay. I have just one question. The committee will invariably be asking you or your staff about amendments. What are your intentions concerning amendments being tabled with the committee ahead of time?

Hon Mr Phillips: I had hoped to give the committee the thrust that we are heading towards and then I had hoped that we could have an opportunity to hear the input from various groups from across the province, and as we get down towards the end, to be able to draft those proposed amendments for the committee. If you need direction, I hope I can provide the thrust of where we would like to head and then let the process help us to frame the specific wording.

The Chair: Yes. The other question had to do with the statement on page 5 of your remarks, the third short paragraph, "I would propose to add to the board two full-time vice-chairs, four health and safety professionals and a small business advisory committee." This is a board of the agency you are talking about, right?

Hon Mr Phillips: Yes.

The Chair: How do you have an advisory committee on a board? I am a little confused about that.

Hon Mr Phillips: They would be advisory to the board. They would not be voting.

The Chair: Oh, I see. They would not be on the board. Okay.

Hon Mr Phillips: One of the concerns is that small business is anxious that the agency have a small business perspective at least so that it knows what the challenges are in a small business. I think the small business community thinks that we are dealing with larger business and larger labour here, so we have been trying to find a mechanism that, without changing the composition of the board, ensures that the board had the benefits of some advice from small business.

Mr Wildman: I had some questions to ask, but I wanted to respond to the question that you asked, Mr Chair, regarding the amendments, if

that is in order. I understand what the minister has said and his reasoning, but there are precedents in the past, when the ministry intended to move amendments, to have those amendments tabled in the committee so as to give those presenters who are appearing before the committee the opportunity to comment not only on the bill as drafted but on the amendments that the government wishes to move.

I think it would be useful to representatives of business, management and labour to be able to have an idea of what exactly is going to be amended, so that they are not just speaking to the wording of the draft bill but actually to the wording of the bill as desired by the government. I would encourage the minister to consider the possibility of tabling the actual wording of the amendments rather than just pointing to areas and concerns and possible changes without actually seeing what the exact wording is. You may have a representative of management or a representative of the labour movement appear before the committee and say, "We understand that the minister is considering amending this particular section of the bill and this is what we would like to see," or "These are our concerns about this amendment," and when the amendment comes down, it is worded in such a way that the comments made by the presenter are really not relevant to the actual amendment as it is drafted.

The Chair: The complaint that we get, Minister, is that when there is a signal that there are going to be amendments but there are not amendments, people making presentations feel that they are dealing with shadows and they do not really know what they are up against when they do not have the amendments. There is no requirement that you provide the amendments, of course, but we do get more complaints as a committee when we do not have the amendments than when we do.

Mr Wildman: The other area I wish to raise is particularly in regard to the comments made by the minister about his concerns about the right to refuse dangerous work. I notice on page 5 of his presentation in the third-from-last paragraph on that page, he deals with the question of work activity and what the intention is in using that term. He concludes that paragraph by saying, "The right to refuse dangerous work activity is meant to apply when the hazard or threat is imminent." In the next paragraph, he goes on to talk about sustained or long-term activity which can lead to an injury such as carpal tunnel syndrome.

I want to get some clarification on this, because if my understanding is correct and we are moving to say that a worker can refuse a dangerous work activity only when there is a hazard or the threat is imminent, in my view, that really is a step backwards, even from the act as it is worded today. It reminds me of what we see in the federal government's Canada Labour Code where workers under the federal jurisdiction can indeed refuse work, but again in that case the threat must be imminent.

I will use an extreme example so that you understand my concern. If an individual or a group of workers are working underground and hear a noise that sounds as if there is a shift of rock, it would be quite legitimate, I would think, to say they are within their rights to believe that they should be able to exercise the right to refuse because the danger may indeed be imminent; there may be a rock fall.

However, that same group might be working underground in a gold mine and there may be studies that indicate that that work environment may contribute to an industrial disease such as cancer. It is my understanding that under the Canada Labour Code at least, the interpretation has been that the workers in that kind of an environment cannot say that they are in a situation where the threat of cancer is imminent because of prolonged work in that environment.

If that is what is understood by this difference, how do you respond? How should workers, if this change takes place, respond to a scientific study, if one were to come down, that showed that working in that environment could in fact lead to increased risk of cancer?

Hon Mr Phillips: That is a good case to discuss. On your first point, I will be very surprised if the proposal is a step backwards because I think we are expanding the right to refuse dangerous work. What we are suggesting is that the approach for dealing with the matter that you have talked about, or other matters where there is not imminent danger, be dealt with through the joint health and safety committee. That is exactly the kind of issue that the joint health and safety committee should be wrestling with. Those are the kinds of issues, as I mentioned before, where it can propose its recommendations and the company has to respond in 30 days in writing, that we think the joint health and safety committee should be wrestling with and working with the company to tackle. It is similar, I think, to what are known as ergonomic issues, which are others where there is not imminent danger but—

1620

Mr Wildman: If you sit in a bad position for a long period of time, it might affect your back.

Hon Mr Phillips: Ultimately yes, or whatever kind of motion over a long period of time. In our opinion, those are the issues that should be tackled by the joint health and safety committees, and the joint health and safety committee should have the mechanisms to force a resolution on those things. They are issues that are not simple ones and that require a kind of fairly sophisticated analysis, including the one you used about the gold miner working in the gold mine. Tim, I think you want to say something; I can just tell.

Mr Millard: Of course, we are talking about work activity here. When we talk about a definition of work activity as accrues the right to refuse, as you will perhaps know, Mr Wildman, at the present time the act is written in such a way that it refers to the physical condition of the work environment as that situation that will accrue a right to refuse and not to a work activity. Of course we have had situations in the administration of the Occupational Health and Safety Act whereby we believe that the right should be expressed where a work activity is concerned, such as lifting a heavy load or carrying a reinforcing rod up the side of a building with a belly hook to climb the side of the building.

The right to refuse with respect to the physical condition of the work environment will remain, and will remain in its present state. What we are talking about here is the work activity. If there is a work activity situation, working at a keyboard or sitting in a particular position or continuing over a long term to perform a specific body motion, that is the sort of thing that the joint health and safety committee can address effectively through recommendations to the employer. Where it is the physical condition of the work environment, the same right to refuse that exists today will continue to exist in our proposal.

Mr Wildman: I have just two short questions. It was our anticipation, perhaps incorrect, that when the amendments to the current act were to come down—what has resulted in Bill 208 and now the proposed amendments to Bill 208—the individual worker's right to refuse dangerous work would be expanded to be a collective right to enable a certified worker inspector to shut down a dangerous workplace until that danger had been rectified or until it had been shown that the situation or the environment was not dangerous. What is your understanding of what you are saying about work activity? If it is going

to be dealt with by the joint health and safety committee, does this preclude a collective right to refuse a work activity that is considered dangerous by workers?

Mr Millard: In the existing act there is the right to refuse. In Bill 208 there is a mechanism to ensure that dangerous work is stopped other than through the individual's exercise of refusal. That is predicated on some specific training and, hopefully, a better knowledge of the circumstances and hazards that exist in a workplace.

The use of the right to refuse will continue and will be expanded to work activities. The mechanism for stopping dangerous work in Bill 208 is predicated on three conditions: that there is a serious risk to workers, that there is a contravention of the legislation or the regulation and that any delay in controlling that hazard will cause serious risk to a worker. So I think it would require a case-by-case evaluation of the work activity situation.

Certainly if it were a work activity situation that met those three criteria, then the mechanism for stopping dangerous work would accrue to that situation and would pertain to that situation. But it would have to be evaluated on a case-by-case basis against those three criteria as Bill 208 stands now.

Mr Wildman: Another question, the final question, is really, I guess, to the minister: At the time the current legislation was passed there was a tremendous outcry, mainly from business, that the right to refuse dangerous work could be used frivolously and that on some occasions perhaps labour might use the right to refuse dangerous work as a ploy in dealing with other disputes between labour and management. In other words, if they were in the collective bargaining process or something like that and things were not going well, labour might use the right to refuse dangerous work as a way of putting pressure on management.

Is my understanding correct that, certainly as far as the ministry is concerned, or for that matter as far as management or business is concerned, the individual right to refuse dangerous work has not been used in that manner and has not been used frivolously by labour?

Hon Mr Phillips: I think overall that is a fair comment and I think the member is right. If you go back and look at comments—it was 10 years ago, I guess, that it came in—I think it is fair to say that one could not conclude that it has been used frivolously. There may be the odd example, but it is not on a broad basis.

Mr Wildman: If that has been the experience, and it is admitted by management as well as the government, why then are we getting the same kinds of arguments put forward by the same people when we try to expand the right to refuse under this bill?

Hon Mr Phillips: I respond in a different way actually. It is not the fear of frivolous use of it. As we look at it, my concern is on a different front. Because it is not there anywhere right now does not necessarily mean that it cannot work, but I have kind of combed for where this right to stop work currently exists to see how well it is working and I honestly cannot find an example in a collective agreement where it does exist. They may exist. I keep looking for it. I think I raised it with you once in Sudbury, just to see where there are examples where it exists currently in a collective agreement, to get an idea. I guess one of my concerns was to move from its not existing, that I am aware of, in any workplace in a collective agreement to imposing it on 150,000 workplaces.

Mr Wildman: I do not think I am incorrect in understanding that Local 6500, United Steelworkers of America, in its contract with Inco, and the two big steel locals, in their contracts with Rio Algom and Denison Mines in Elliot Lake, have in fact negotiated as part of their collective agreements worker inspectors who have the right to shut down dangerous workplaces.

Hon Mr Phillips: We should take a look at that. I actually went up to Inco specifically to look at that for that reason, because I am looking around for examples. As I say, that is one element—and I will get to another element—that caused me concern. When I tried to find the language around that, I met with the union and the management group and went down and looked at the safety area in the Inco mine. We came back up and we talked about it. It is a working relationship between the two, but it is not in the contract, that I am aware of, and not a right. So that was one of my concerns.

1630

My second concern is just the one I articulated earlier as we try to develop this as a partnership. If we believe, as I do, that the key to health and safety is finding ways that the partnerships work, my concern is, as I said in my opening remarks, about a mechanism which rather than encouraging the partnership heads the other way. It is those two things that cause me to look at this.

Mr Wildman: Mr Chair, I will finish off by suggesting that perhaps we could ask our research officer to check this out. It is my understanding that it is indeed in the contracts in Elliot Lake that worker inspectors are in fact full-time and are paid by the company. At Inco it perhaps may not be part of the contract itself but there is a letter of understanding that is appended to the contract.

Hon Mr Phillips: There is no question that there are worker safety representatives in many organizations—the automotive industry and the mines. There is no question of that. It is just, what mechanisms work well and best? That is what I say. I have been trying to find what organizations are the best models for safety in the province. What are some good models that we can use? That is what I have been doing since I became Minister of Labour, to scour around to see what we can learn from workplaces.

What seems to be the message I get is that what works is where you get the two parties truly partners in this thing. By the way, just while I am talking, I also ask the question all the time: “Does this pay? Is this a good investment, safety?” And without exception they say it is. Quite apart from all the human side of it, it is a financially smart thing, too.

The Chair: And in answer to your question, we will undertake to try to find that out, Mr Wildman.

Mr Dietsch: In relation to the research, could we find out what terms of reference they operate under, etc, and have a full explanation of how they operate in their setting?

Mrs Marland: I apologize for being a few minutes late.

I guess I am a little disappointed because I thought, from what I had heard you say on 12 October in the House, that we would be receiving your amendments today. I want to support the comments of the member for Algoma (Mr Wildman). I have a list here of proposed amendments. I am not sure whether they were taken out of your comments from 12 October, but I think it is terribly important, when we go to public hearings, that members of the public know what it is they are addressing.

Frankly, I think it is an absurd waste of time, energy and money on the part of all of the committee and the people who will be travelling from all over the province to certain locations all over the province to make presentations on the bill if they do not know what it is they are addressing. Frankly, it was at this point when the previous minister, Mr Sorbara, came to the

committee on Bill 162 that he did in fact table his amendments.

I am wondering whether you would be willing to do that. Bud Wildman just took the words out of my mouth, but I did not hear an answer from you, that you would agree to do that. I am asking the minister a question, Mr Chairman.

Hon Mr Phillips: I am trying to be helpful to the committee. I have been hoping to give enough direction but not to be overly prescriptive, in that I think some of the changes we had tabled were subject to some concern by many of the members. As I say, I am trying to find a way that I can provide as much direction as the committee needs to be able to be effective in the hearings, but to leave the committee with some latitude to find the best solution. As the previous chairman said, it is done both ways. I guess he is suggesting that on balance people are less angry one way than the other, but I do not know whether there is a way that I can be most helpful to the committee. I would be happy to take that into consideration and see if there is a way to give you as much specific direction as you would find useful.

Mrs Marland: Speaking for our caucus, and certainly some of the groups that I know that are interested in coming before the committee, the point is that it is your government's legislation. Either your government knows what it wants or it should have consulted with all the groups and the parties to this legislation ahead of time and then come in with something that you are happy with, that you could defend.

Frankly, I think if you are giving us Bill 208 and saying, "Go out there and find what the people want," I think we will end up with a real dog's breakfast because we will have people in here from all over the province and they will not know what they are responding to. On the one hand, some of us will be saying, "The minister said he would look at this." We will be trying to deal with our deputations based on what it is they are saying and then we will be trying to respond to them. You are going to have six government members around this province with this bill and we will be lucky if we have two or three opposition members. If the bill is well drafted in the first place and it is what you see as a government with the responsibility that you have for occupational health and safety, then I think you should be able to put on the table what it is you want and what it is you believe in.

Therefore, I think for groups to come before us and—we had one or two examples of this on Bill 162. I know because I travelled this province on

that bill. Without using a pun, it is a laborious job. Personally, I think that we all see it as a very responsible job that we have, to have these public hearings. But we simply cannot say, "The minister does think that," if we do not have in black and white what it is that you actually think. As I say, if you are not strong, if, to use your own words of a minute ago, something about the wind blowing or the willow or whatever it was you said—or that is what I was interpreting from what you said—if you are going to throw it out and find which way it goes, I do not see that as leadership in terms of government with your own legislation. I really feel that I want to know whether we can have your amendments as we did from Mr Sorbara on Bill 162.

Hon Mr Phillips: You should be clear as you look at the bill that virtually all of it is very clear. You are going to find as you work your way through it that there is a heck of a lot of stuff in there that is very clear and specific. There are a couple of issues that I think we can be very clear on the direction for you. I think the only ones that there may be some debate around are the neutral chair and what might be the process for selecting the neutral chair. The right to stop work is perhaps the one that is the most difficult and I have difficulty in being specific there because I have said to the committee that is the one that we need some help on.

On the rest I think we can be clear enough that there could be no misunderstanding of where we are. For 99 per cent of the bill it is there in black and white. I think what I will undertake to do is to make sure that before the committee gets into its public hearings you have got it as clearly as we can. If you still say, "That's still not clear," I will take another step forward. As I say, the one that we will have difficulty on is the right to stop work, because genuinely, as I said in the House, that one is not that easy. The rest you will know clearly.

Mrs Marland: So you are saying you will table the amendments.

1640

Hon Mr Phillips: I am saying I will give you the direction that I think will give you all the clarity you need. I am not sure you need the specific wording, because it will give you clearly the clarity that there can be no confusion about what we are intending here.

Mrs Marland: With respect, Gerry, either I am not understanding you or you are not understanding what I think the public needs. If you are giving clarification of the bill, that is one

thing, but what I am asking you is that if there are areas and sections in that bill that you propose to amend, we need to know what those amendments are.

I can give you one example right here. Apparently you would like to see an orderly phasing in of the certification requirements in order to build a pool of certified members. I guess this is dealing with the threshold at which certification is required. One of your changes is changing the number, I guess; at what number of workers that requirement falls in.

Mr Dietsch: On a point of order, Mr Chairman: I have a difference of opinion with the member, who continually says that our predecessor, Mr Sorbara, put the amendments for Bill 162 on the table.

Mrs Marland: I think you could say that when you have your turn to speak, Mr Dietsch.

The Vice-Chair: Order.

Mr Dietsch: In fact, that is not the truth. The fact is that the wording for the amendments in Bill 162 was not put on the table, if the member will just think back a little bit in relationship, so I do not think it is fair to mislead the member on that point.

The Vice-Chair: I am sure the member is not accusing Mrs Marland of speaking an untruth or misleading the committee.

Mr Dietsch: Perhaps the member is confused over the order of actual happenings.

The Vice-Chair: Well, what I am going to do on this matter is simply ask the clerk to clarify for us, if she can look into our records to determine when in fact Mr Sorbara tabled the amendments, and she can report back to us on that matter. I am sure Mrs Marland will direct her questions to the minister.

Mrs Marland: I will try to. It is almost humorous hearing that comment, because there were times when we were on the road that I asked some deputations some questions—I guess there are only two members sitting today who were on the road with us—and I was corrected. I was corrected by members of the government side of this committee saying, “But the minister already said that in amendments when he tabled them.” I was told that so many times if I bordered near something that already had been agreed to by the minister.

Whether it is the terminology that is bothering Mr Dietsch I do not know, but I am not talking about getting the amendment written out where it says, “Section so-and-so, I move so-and-so.” I am not talking about the formal wording of the

amendments; I am talking about the committed intent of this government as to what it is, 12 months later, it agreed Bill 208 will be saying.

I mean, when this bill was tabled in—when was it, January of this year?—let’s face it, it was the Third World War around this province. I think finally that the government has realized that it cannot go ahead with it in its present form. That shows great wisdom on their part. I am as happy as anybody else they are finally accepting that it is not the most perfect piece of legislation; all I am saying is, “Don’t let us waste the taxpayers’ money talking about stuff that they’re willing to agree to.”

The Vice-Chair: I think that the minister wants to respond, but I do think we are going to get clarification from the clerk as to when the amendments were tabled on the previous piece of legislation and I think it would be useful for the committee today to deal with Bill 208 rather than 162.

Hon Mr Phillips: I think when you go through the explanation of it, you will more clearly identify where there is confusion, if any, and at that stage I will undertake to try to clarify that. If I might suggest a process, I think the committee does not need confusion, obviously, and I will do whatever I can to clarify it. When you have gone through the explanation of the bill, if there are still questions like, “Well, we don’t understand what that means,” we will undertake to clarify that. I do not know whether that would be the best process, because I think you will find the overwhelming amount of this is quite clear. Everyone might not agree with it, but I think it is quite clear.

The Chair: Can we move on, Mrs Marland?

Mrs Marland: Can I ask the minister a question about the bill?

The Chair: Go ahead.

Mrs Marland: You have received a letter, as has the Premier (Mr Peterson), from the president and CEO of Boyle-Midway, and he has a main focus of two concerns. It may be that these concerns are addressed by your amendments, and that is why I need the amendments, but he is questioning the true logic behind Bill 208 and the two disastrous flaws.

First he has got as union representation only, and union-trained, stop-work policemen. He says this has never really been explained in either economic or real social terms.

I think the basis underlying all his questions in his four-page letter is that he does not know who it is the government is addressing in this

legislation, what it is the government is trying to remedy, and his main concern is that two thirds of the employees in workplaces in the province today are nonunionized.

Hon Mr Phillips: That will be something that a lot of delegations will present to the committee, that it is true the agency is made up of organized labour and management—and by the way, I get a lot of letters, on many sides of that issue—but on the fundamental point, I think we have to start with, “What are we trying to do?”

I think it is quite clear. We are trying to reduce what I outlined at the outset, and that is an unacceptable level of disease and accidents in the workplace. Virtually everyone who has looked at this area will say that the most effective way to do that is the partnership. If you look at the organizations that have made substantial progress in health and safety, they will say that, so, as I said in my opening remarks, quite fundamental to everything we are doing is the internal responsibility system. It is trying to have in the workplace that true responsibility by the employees and the employer.

As I have said before, the government could never have enough inspectors and it just does not work. So what are we trying to do? We are trying to reduce those numbers that I have talked about, for all the reasons that we have talked about. What is the most effective way to do that? People who know this area, I think you will find universally, will tell you the way it is going to work is that you get the people in the workplace to assume the responsibility for it. That is quite clear.

To the second issue in that letter, we have recommended that the agency be made up of, yes, organized labour for a variety of reasons. One is that it is somewhat difficult to designate someone from unorganized labour.

I think there is quite a fundamental point here that I feel rather strongly about. I think the future of our province and our country rests on kind of forging some new relationships between employers and employees. This is rather philosophical now, but you kind of talk about the global economy and all those things and people will say, I think in business and in labour, that our future depends on our ability to forge those new relationships. If we cannot do it in health and safety, I really do wonder if we can do it in the other areas.

1650

So the scenario is that I think organized labour has said, “We’re prepared to take a chance on this one; we’re prepared to take a run at it.” It is not

without its challenges and they are very unhappy, frankly, with some of the proposals in Bill 208, but at the outset, when Bill 208 came forward 10 months ago, they were saying, “We want to see if we can’t forge a new partnership between management and labour in the occupational health and safety area.” I view this as an opportunity to do that; to prove that we can do it.

Why is it all organized labour? It is because, first, they do by democratic means represent workers; they have a history of concern in the health and safety areas; and I believe it is an opportunity to use all of our objectives in health and safety to also prove that we can in fact forge a new partnership. It is not that easy. I think there is a kind of apprehension on both sides about that because it is not a relationship that exists easily.

Those are our reasons for it.

Mrs Marland: Could I just ask you one question that I suppose is quite easy to answer? If you would agree with the writer of this letter that only a third of the workers are unionized and you are just speaking now about the forging of this new partnership between management and workers, and the writer of this letter is saying very clearly that in his company, which is a huge company, a very large employer, there is a very excellent existing partnership between its management and its workers, and he is giving his company as an example, obviously two thirds of the workers in the province who are not unionized and already have forged a partnership with their management would not need the kind of forging agreement that you are talking about.

Are you saying that in 1989 there is still that need for that partnership to be forged and then you are only going to have it with spokespeople from a third of the workers? I mean, the government represents everybody. Obviously, this is not going to be truly representative of the government if you are going to have a third of the workers represented and two thirds not.

Hon Mr Phillips: I think that, first, there is still a need for those partnerships, just by the track record of health and safety. We are kind of stalled, actually, at health and safety; we need to take a step forward.

As I said earlier, the safety associations will develop the sector-specific training, so organizations such as that individual represents should feel comfortable that the training program can fit into their environment. There should be no question about that.

Mrs Marland: What if they already have their own training programs and their own very high record of safety, which they do?

Hon Mr Phillips: Great; terrific. One thing you will see in the bill is that the training will reflect the existing experience of safety. It is not as if one takes the best organizations and goes all the way back and starts from scratch, that training will be recognized, so he should feel comforted that his investment in safety will put him in good stead with the agency.

The Chair: Are you finished, Mrs Marland?

Mrs Marland: I do not want to monopolize. I have to speak in the House, too, unfortunately. Can I just be clear? After today we will have the ministry staff to ask questions of and the minister is only here for today?

The Chair: That is all that is on our schedule. He is welcome to come back any time he wants.

Hon Mr Phillips: I am at your disposal somewhat. I do not know whether you would like me to come back at the end of this week or—

The Chair: No. The schedule for the committee is for today, Wednesday and Thursday to have discussion of Bill 208. After that, in January, the hearings start.

Hon Mr Phillips: I do not know whether you want to have the staff go through the details of the bill, then perhaps at the end of this week have me come back. Maybe you will have questions then. I am anxious to be helpful.

The Chair: Okay. I think, though, we need to go around the room while the minister is here, so let's continue that process and that will still give us a couple of days to deal with the bill, even if that takes all of today.

Mr Fleet: I will try to be relatively brief. There have been a number of comments about the amendments and the process. I must say that I might have been more inclined to agree with some of the comments if it had not been for my experience on committee when the government brought in amendments as we were proceeding.

I think the member for Algoma (Mr Wildman) will remember the experience when we were dealing with the Aggregate Resources Act and the government had not one but two separate rounds of amendments that were brought in, a very significant number of amendments. During that process all we heard was the criticism of the government bringing in rounds of amendments. So I am inclined to rather discount some of the commentary about the fact that it is so much more helpful.

The other thing I will say in respect of this is that it is the first time since I have been here that I recall a minister so pointedly saying to the committee that the committee's role in shaping

the wording of the act, and to some extent the policy behind the wording, was so expressly desired. I think the function of the members is therefore enhanced in that role on these committees. I rather look forward to doing that, to being able to make suggestions at various times to the ministry as to what would be best in light of the actual evidence that we have heard as opposed to positions that are taken before we have heard any evidence.

I suppose that if I were in the opposition, I would not mind having amendments because it is a lot easier to attack than to propose something constructive. I say that without trying to be too mean about it, but that is the reality; I understand that. I rather welcome the approach the minister suggested to the committee, because I rather like to think that we have an opportunity to provide a positive input and make specific suggestions.

The problem is that once everything specific is put out invariably somebody, Mr Wildman, I do not know who, will attack it no matter what it says. If we were to put in another round of amendments and then another set on top of that after hearing the evidence, I suspect somehow we would hear a round of criticism for doing that. I am not unhappy with the system that is proposed by the minister, at least in the context of this piece of legislation.

The Chair: I doubt if the minister has an extensive reply to that.

Hon Mr Phillips: When we were talking about this, somebody had a Far Side cartoon. There are two doors, "Damned if you do," and, "Damned if you don't," and somebody is saying, "Come on, pick one."

The Chair: Mr Mackenzie, you might want to pick up on that.

Mr Mackenzie: I sure want to pick up on some of Mr Fleet's comments. One of the things I would like to know, and pardon me maybe for leading with my chin and being more than a little naïve, you say that you do not want to bring in the amendments. Quite frankly, I hope we do not end up with amendments, period.

At the same time as saying you do not want to do that now, you tell us that you want to go through the process, or at least part of it, to frame the specific amendments. Are you telling us that this whole process does not mean anything in any event, that we are going to get the specific amendments that you have suggested or the suggestions you have made to this legislation?

I would like to think—which did not happen on Bill 162—that we could hear the arguments before

we got any specific amendments, because some of the things you are doing are steps backwards.

Hon Mr Phillips: What I said at second reading, as you remember, is that there are two or three areas where I think the bill could clearly be improved. I think of the neutral chair on the construction area, and I have said that again today, where certification is going to be in our opinion very difficult with a site of 20 workers, just to have that pool of available certified workers. We think there is a need to extend the time line and give the safety associations a chance to change their composition.

1700

I think those things represent improvements in the bill. As I said at second reading, those are the things that I think do enhance the bill. The one that is most difficult is the right to stop work and there we see stronger units on both sides. I have suggested one approach the committee might want to consider; I again have repeated that today.

Mr Mackenzie: You say: "Bill 208 has involved consultation with employers and employees across the province. Some of the changes I have proposed to the bill have evolved in the course of those consultations, which have continued ever since the bill was first introduced in the House." Can you tell me to what extent the changes you sprung on us in the House came from any consultations you had with any part of the trade union movement following the initial discussions on this bill.

Hon Mr Phillips: Some of the changes there are the concern of labour about the independence of the appeal mechanism. That is in my remarks today, as you remember, about the definition of the right of the certified worker to order work to stop. That is in my remarks today. I think there were three or four areas labour raised with me that are concerns I addressed in my remarks today. The answer is yes. I think, as I say, there are at least three or four there that reflect labour's concerns.

Mr Mackenzie: Labour had a number of concerns with the bill, which they finally bought, but labour had, unless I am getting wrong information, no input into the suggested amendments you made in the House and the suggestions you want for changes in the House. We will have a chance to verify that when they are before this committee, but certainly my understanding is that any influence in terms of the amendments you are suggesting came from the business community; it did not come from labour.

Hon Mr Phillips: I think labour had about 16 or 17 concerns, and my remarks today addressed that, I think.

Mr Mackenzie: With the original bill, that is right, but they had not—the surprise was your suggested amendments in the House.

Hon Mr Phillips: But as I said in my remarks today, you will see three of four of the concerns of labour addressed. There are several other concerns of theirs that I think are the result of misunderstanding of the intent of the bill, which I think we can clarify as we work our way through it.

Mr Mackenzie: If it is misunderstanding of the intent of the bill, how can you explain then the fact that the previous minister asked labour to sell it? They were under some fire from some of their unions who were not happy with the original version of Bill 208. They were asked to sell the bill, which they did.

Hon Mr Phillips: I am just saying that I think that after Bill 208 came out, some people in the labour movement had 16 or 17 amendments they wanted made to the bill, and I am saying that some of those are in my remarks today. Others of those 16 or 17 suggested amendments, I think, are the result of misinterpretation of the bill. Once the bill came out, there were a lot of people who wanted amendments. As I said, labour had 16 or 17.

Mr Mackenzie: They had a lot and they still have a lot, but they were prepared to buy that bill. What I am trying to get at is the three specific areas of amendments and the two suggestions you had. How much discussion did you have with labour—you claimed you had it with the parties involved—on those areas?

Hon Mr Phillips: Lots of discussion but no agreement, I would say. There is no question of that.

Mr Mackenzie: I would suggest there was no discussion on those points at all.

Hon Mr Phillips: I think almost from the day the bill came out most people were discussing the right to stop work and the composition of the agency. Those two in particular have been the subject of discussion on all sides from the time the bill was introduced.

Mr Mackenzie: What I really would like to know is, to what extent is this bill already carved in stone, with the amendments that you have suggested?

Hon Mr Phillips: I am looking for the best bill possible; I truly am. As I said in my remarks

today, I think the changes represent an improvement in the bill. The right to stop work is one that is very much looking for the best solution to it. So I would be quite surprised as we go through this exercise if the committee does not find ways to further improve the bill.

Mr Mackenzie: Let's go back to another one of the suggestions you make, which is the improvement by reducing it or increasing it to 50 from 20 for a certified rep.

Hon Mr Phillips: Yes?

Mr Mackenzie: Who agrees with that? Did you get any union agreement on that one?

Hon Mr Phillips: No, but it goes back to whether one accepts or does not accept the rationale for it.

Mr Mackenzie: But you have automatically accepted management's rationalization that that is too good. We cannot man the committees in a small workplace of 20 workers. That is not the feeling of the construction trades.

Hon Mr Phillips: As you work your way through it, first, the joint health and safety committee's construction, for committee members, there are fewer than 10, I think, right now, probably two or three joint health and safety committees. We are recommending going from that number to 5,000.

Mr Mackenzie: You are playing a shell game there, Minister. What you are not having in those committees is the certified safety and health reps, which is what is important, and the 50 or more construction sites will be probably no more than five per cent of the construction sites in Ontario, 10 at the most.

Hon Mr Phillips: But I think you have to recognize, or at least I believe that the joint health and safety committees process has worked in many cases extremely well. The challenge, and you know the construction industry well, is how realistic it is to have on a construction site a certified worker at all times if there are 20 workers on it. It is very difficult, they tell me in the industry, because you have such a large pool, constantly moving. What I want is a bill that works. I do not want to put in place a bill that is right in theory but cannot work in practice.

As one works one's way through the construction industry, again I would ask you to think about the dramatic change from fewer than 10 joint health and safety committees to 5,000. The whole certification process, which is going to be quite complicated and difficult, by the way, because it is not like the normal employee/employer relationship. It is going to have to be

having training done and finding mechanisms of how to pay those workers while they are being trained. But just the pure logistics of ensuring certified workers, based on the analysis we have done, we need a site of 50 or more for the certified, for the joint health and safety committee—

Mr Mackenzie: Why did that come from management only? Why was that decision not part of a worker's decision? You said yourself that you did not discuss with them the change from 20 to 50 in terms of certified reps. You might have got a different answer, a different story, from the construction trades. As a matter of fact, you would have, as I think the minister knows.

Hon Mr Phillips: It is like any other bill, I guess, when it comes out, people who—

Mr Mackenzie: You listen only to management. I am trying to get some answers to a legitimate question.

Mr Fleet: I do not have any problem with the questions being put, but I really would like to hear the answers being completed before the next question is popped. The questions are not being put through the chair either.

Hon Mr Phillips: I had sort of finished my answer. I was saying that once you have a proposal out there, then the individuals who are in the industry and who have the experience to know whether something is practical come to you and say: "You need the certified workers, you need that pool. How big a site is necessary to ensure you have it?" Certification should mean something, it should in fact represent somebody who is trained and has that background and what not. In the end you say, "What is realistic in terms of the size of the project to ensure that you have a certified worker?"

The joint health and safety committees of 20 will make a substantial change in health and safety construction sites. When you get to the very large sites, you get the benefit from the certified worker and that is large enough to ensure that you do have one on one. So it is not a matter of listening to anyone; it is a matter of what works.

1710

Mr Mackenzie: My concern, as I think I have demonstrated, is the minister's comment that, "Some of the changes I have proposed to the bill have evolved in the course of these consultations, which have continued ever since the bill was first introduced in the House." My argument is that in terms of the specific three amendments in the two

areas of concern that were raised by the minister, there was no consultation with the labour movement.

In terms of it being a step forward, the change in the construction sites, as the minister himself has said, did not evolve out of consultation with anything but one party as well, and that was with the management side of it, not with the union side of it. That raises some serious questions with me in terms of the minister's comments about the consultation that took place.

Hon Mr Phillips: First, I would get back to the overview of this thing. I think it is important as we work our way through. This bill will put Ontario in a position that no other jurisdiction in North America can come close to. If someone can prove me wrong there, I would love to see it because this is the thrust: we are trying to ensure that we are in a leadership role, but also that we have a bill that works. No other jurisdiction will have a jurisdiction-wide agency made up of management and labour working together, setting certification standards, going from 30,000 to 50,000 joint health and safety committees, and in the construction industry from virtually none to 5,000.

The whole training project process and certification represents a substantial step forward, but the bill also must be workable. In some areas I am suggesting that it makes the bill more workable. One may not agree with me, but I think it makes the bill more workable. In the certification area of construction sites you want a trained, certified worker. You need a large enough project that can ensure that will be practical. I do not think there is too much sense in us trying to pass a bill that, rather than enhancing health and safety, is seen as nonworkable in the workplace.

Mr Mackenzie: We have ample evidence of health and safety committees without the right to refuse that have not worked. Without the certified rep on the construction sites, what authority are they going to have to shut down that job?

Hon Mr Phillips: We go back to the variety of techniques that we have talked about. The joint health and safety committee has the right to insist on its recommendations being responded to by management within a time limit. It has a right to see and to be aware of tests and procedures that would have been done around health and safety in that workplace. It has the right to have our inspectors in. The fines that are available for violations will be going from \$25,000 to \$500,000. We will be holding the directors accountable for ensuring that the occupational

health and safety procedures in their organizations are properly done.

What are the things that will ensure that? Those are just a few of them that represent, as I say, substantial progress.

Mr Mackenzie: A certified health and safety rep on that site, even though it only had 20 employees, could take immediate action in terms of a danger, which you have from time to time on construction site operations, which may take a little bit of time under the procedures outlined by the minister.

Hon Mr Phillips: If a worker finds himself or herself in danger, he or she clearly has the right to refuse to do it.

Mr Mackenzie: If I can switch to another section, I am intrigued by your comment, "It has been pointed out that the original proposal to authorize a single certified member to stop dangerous work seems inconsistent in a system that emphasizes partnership and co-operation."

When the labour movement was prepared to buy the bipartite arrangement, that was a gamble on its own. They also have, as you have pointed out in earlier comments, a very good record of no frivolous use of this. It seems to me if you are going to make, and you make quite a case of the need to have the internal responsibility system work, there has got to be that kind of trust there, and you sure as hell have not got it if there is a requirement that both certified reps have to agree.

Hon Mr Phillips: That is going to be part of the debate. What I have concluded is that if you accept what I think is fundamental to the bill, that is, how do we encourage partnership, and then put in place a mechanism rather than getting the two parties to come together to examine the situation and to make a decision together, you give one or the other party a mechanism that is inconsistent with that. I guess it is just a difference in how I see effective health and safety in the workplace.

It is like anything else, if you give people a chance to back out of taking the responsibility, you do not build that partnership. That is why we have said that where you have a workplace where the internal responsibility system functions, it should really be a joint decision. It is like, who trusts who? I think we are trying to build, through this whole bill, that fundamental partnership.

Mr Mackenzie: I will leave the questions for the moment, Mr. Chairman.

Mr McGuigan: My remarks are based on my experience on the committee that was studying

fatalities and injuries in mines and also on my being a member of the committee that was working on Bill 162. I would point out that this proposed act is really a giant leap forward in health and safety and in relationships, and I think being a giant leap—and I do not want to speak about that—we should have our minds open to take some giant leaps as to the process.

We are backing up the law by giving Ministry of Labour inspectors increased authority to secure necessary evidence to shut down suspect equipment, to direct employers to provide information on safety hazards to the inspectors and to the employees. Now, I have forgotten just what location we were in in northern Ontario, but it was one of the mining communities. We had a number of inspectors there and they really came right out and said that they did not have enough authority to do these things. Here you are giving it to them. I just think that is a great leap forward.

Also, we are requiring that the officers and directors of corporations be held accountable for workplace health and safety. They can be charged under the act. The chairman, perhaps better than anyone else, will remember that was one of the positions I championed during those hearings on the mines, and part of it was from my own experience as an owner and operator of a business.

I only really got safety on the job when I decided, as the owner, to be the chief safety officer. It is not a job you can delegate to other people and then if they fail, charge those people. The same guy that is responsible to the shareholders for the bottom line is fired at the annual meeting if he has not a good bottom line. To me that same man or group of men or women must be accountable for the safety of the people who work for them.

This is a tremendous leap forward. Some of those people would have to lie awake at night and just figure out the exposure they are giving themselves when they do not do their very utmost to do what modern safety requirements or safety provisions can provide. This is really landmark legislation. We are pegging the fines from \$25,000 to \$500,000 and you can imagine, if that happens more than once or twice, shareholders are going to be questioning the ability of the people who run the company as well as the bad publicity and the terrible public relations that it brings, and what \$500,000 does to the bottom line.

I think this is a novel approach and as legislators, all of us at various times, depending on where we sat, and I sat in the opposition for

eight years, complain about the fact that, as individual members, we do not have chance enough to make input to a bill. I realize it is easier to go out with a cookbook and have the cookbook in front of us and we can all take pot shots at the cookbook. But this is a departure from that spoon-fed system to giving us some directions and going out and trying to see how we can use those directions to get to results that are favourable and help to sell this to everybody, both labour and management.

1720

It is not a power struggle to see who is right and who can wield the most power. It is an exercise to cut down on the number, which is about one person a day who is killed and hundreds who are harmed in one way or another. It is not a power struggle; it is trying to address that situation. I realize it is going to be more difficult for all of us to go out and not have those specific things in front of us. But at the same time it is a chance for all of us to make a really meaningful contribution to this exercise. I just want to conclude by saying I look forward to being a part of this committee.

Mr Dietsch: I want to address my comments really to some of the comments. I am sorry Mrs Marland was not able to stay with us. I guess, as was indicated, she is speaking in the House, but I also know that she would probably have an opportunity to read Hansard.

The comments that were made, and I interjected on a point of order, were based on some previous discussions in this particular committee. I had felt that the first time the comment was made that Mr Sorbara, the previous minister, did it somewhat differently with Bill 162, I took as a slip on her part in making that comment. However, when the member pressed the point that this is being done differently than was the instance in Bill 162, it brought me to respond.

Just for the benefit of the record I think it is important to note, Mr Chairman, that the suggestions for amendments were read on Bill 162 in the House, as you will recall, during the minister's statement, after which the process followed very much the same as the process that is being put before us today in terms of a theme and a principle. I know once Mr Millard gets an opportunity to walk the members of this committee through the bill—and I hope Mrs Marland gets an opportunity to come back before that is completed, because it is extremely important that those comments have that theme of process that we are trying to walk through in developing a very important principle, as my colleague next to me has said.

It is a fact that, as the minister pointed out, this is very advanced legislation for the benefit of the workplace in North America. There is no other jurisdiction that has this kind of a model of legislation. I know, coming from the workplace, how important it is that the partnership development of the players in today's working society be strengthened so that there is co-operation and a partnership developed that will enhance the overall health and safety of workers. Because, not so much in my mind as the dollars and cents attached to it, I believe that is important, but more important in my mind is the kind of trauma that injuries cause to workers, and not just the workers themselves.

Mr Chairman, I only have to remind you once of some of the players who made presentations before this committee from injuries in the workplace. There were some very sincere presentations made before us exemplifying injuries, and they showed us injuries in this committee, on the road. Certainly a very moving and very emotional experience was had by not only the members on the committee, but the presenters.

I think it is important that this committee develop the best legislation possible in recommendations to the minister that those injuries, those illnesses, those accidents are minimized as much as humanly possible. I think the dollars and cents will follow. I said, in my opinion, they are important, but they are not as important as the trauma that is faced by those individuals who either lose a loved one or family member or suffer injuries. I have been injured in the workplace myself and I know what my family went through and what I went through.

I am looking forward, as all members of this committee are, I am sure, to going through this bill and hearing what the public has to comment on it, and hearing that this process will indeed be able to fulfil the minister's goal of having this as the best legislation around. I think it is important that we get on with it.

Mr Wildman: I am trying not to prejudge this process, but in listening to Mr Dietsch, I am reminded of the process we went through on the legislation that was referred to by Mrs Marland, Bill 162. It certainly is true that in those sets of hearings we heard very moving presentations made by injured workers and their representatives and members of the labour movement about the effects of accidents in the workplace on workers and their families.

I am also reminded that all of those moving statements that were made did not move one

member of the Liberal Party on this committee to change the bill. The fact is that we proceeded and passed the bill according to what the minister had stipulated he wanted, even though every representative of injured workers and every representative of the labour movement who appeared before the committee objected to that bill and to the provisions of that bill and said that it would harm workers.

Now, I am sure that was an aberration and that we will not see that happen in this case. But that is what happened. With Bill 208, my colleague the member for Hamilton East (Mr Mackenzie) was concerned that we may, in fact, be in a situation where, again, the government has decided what it wants and what it will do and that the government will move amendments that, when the process is completed after we have the hearings, in reality will be amendments that it wishes to pass now and it will not have mattered one iota what the presenters say to us before this committee.

If that is the case, then it will have been a façade, it will have been a charade and it will have been a waste of time, not only for the members of the committee but for the presenters. I hope that is not the case, but I am worried, when I hear a presentation like Mr Dietsch's a moment ago reminding us of the situation with Bill 162 and what we went through with Bill 162, that we may in fact be into the same thing again.

I want to ask a specific question of the minister. The minister has indicated that in situations where he finds there is an employer who does not live up to his or her obligations under the act, and where there cannot be resolutions to questions of hazards in the workplace, he will deem that individual employer to be a bad employer and will take action to send in a representative of the ministry to try to deal with the situation.

1730

Could the minister indicate to the committee how his ministry staff will determine who is a bad employer and what kind of an employer will require this additional work by ministry staff? What sorts of criteria will be used to determine when that action should be taken by the ministry?

Hon Mr Phillips: Mr Chairman, I am not sure how you want to proceed on this, because we have a paper we would like to give you on that. I am not sure whether it is best to go through the bill and, as we get to those, to go over them or whether to deal on a piecemeal basis. That is why I said earlier that I think we may find it helpful that once the committee has been through the

bill, you may be a lot more comfortable—I do not know; I hope you are—with knowing the detail of it. As I say, on that particular one, we have a paper that would outline our thoughts on that.

The Chair: I was going to suggest that very thing. If there are more what we might call political questions of the minister today, that would be most appropriate, but if we are going to be getting into the specifics of the individual clauses of the bill, we might do better to wait and do it in a chronological order through Mr Millard.

Mr Wildman: Well, you know me, Mr Chair; I always have difficulty being political.

The Chair: I had not noticed, but I am glad you pointed that out. All right, Mr Wildman, are you content to leave that for the moment?

Mr Wildman: Yes, you can go on.

Mr Mackenzie: Two things. First, just in response to the query that was being made, I would extend it another step and ask another question. I would like to know how the ministry intends to upgrade or downgrade the status of good or bad employers. It would be very interesting to know how you are going to decide and how fast you will be able to move if, God help us, we get this change you are suggesting in the legislation.

I would also like to ask: Is the fact that you have a paper ready for us on this matter not a further indication that the die is cast already in terms of the suggested changes you want to make to this legislation?

Hon Mr Phillips: Well, on the last one first, I have been asked to give some examples of how that might be handled. I think, as the earlier speaker just indicated, people have a right to know whether that is a practical suggestion or not, because I think some people would ask, “If we were to agree that you could identify, how might that be done?” So I think in order to reach that conclusion, you have to go over some ideas on how it might be done to determine if it is possible or not. I guess we have concluded that on the basis that the work was done, it is possible and we would like to share that with the committee.

How quickly can one move and how quickly can one not move? For this process to be effective, obviously the agency has to be effective, and one would need the mechanism with the agency as well as with the ministry to be able to respond. So I think that when you look at the possible criteria for this, you will see that it is possible to move reasonably quickly with it.

Mr Mackenzie: I suggest that you are going to have real problems with the so-called neutral chairman moving very quickly. I think one of the fundamentals that you will have done to the bill is if you change from the bipartite approach.

I have another question for the minister. In brief discussions on another area of concern, and that is the work activity field, I believe you said you did not see this as a step backward. There are those who would argue very strongly that it is a step backward. We have had work refusals upheld and orders issued over ergonomic problems in the past, and lifting has been upheld for years. The problem was over a health care worker lifting a patient where not doing so would have placed the patient at risk. So I would like your response on how it is not a step backward.

Hon Mr Phillips: I think we look at the current act. What we are proposing broadens the current act, so I make the assumption that that represents an enhancement, an expansion, of the activities that would not be covered in the current act but would be covered under our bill. Tim, do you want to say something?

Mr Millard: As it relates to the situation that Mr Mackenzie describes and the question he asked, certainly I believe and am absolutely convinced that this is a step forward in terms of a greater legal authority for a worker to step back from work that he perceives to be dangerous, and in this instance a work activity that he perceives to be dangerous, and to be able to have his concerns remedied.

The definition of work activity, to make it applicable to those situations where there is a threat of some more immediate danger, is done to ensure that there is a process in place whereby things can be dealt with, I think, in a logical fashion. Those longer-term repetitive strain types of injuries can be very logically and very adequately dealt with through a joint health and safety committee process that makes recommendations to the employer—with the addition, in Bill 208, that the employer is obligated to respond within 30 days to that concern from the joint health and safety committee—and that provides a timetable for implementing whatever response is forthcoming from the employer.

As well, the Ministry of Labour, of course, at any time that a worker has a concern, can be called into that workplace and we can continue to write orders. If we believe that a situation need be remedied through an order, we still will have that authority and we do exercise that authority. So I do see that as a step forward.

Mr Mackenzie: What happens to the nurse who is going to be putting her back at risk, or something more than that, putting the patient at risk, and has to make an immediate decision?

Mr Millard: Clearly, under the existing act, as does not change in the way Bill 208 is worded—perhaps you are referring to the fact that some people who are providing a service where there is a large public interest at stake, such as some health care workers, where public safety is an issue or public health is at stake—firemen, policemen—do not have the right to refuse. I would see in those situations the need for a procedure in place whereby that person's legitimate—and I stress these are legitimate—concerns be dealt with in an expeditious fashion. That is the direction we are pursuing.

For instance, as we have dealt with the Ministry of Correctional Services and the Ontario Public Service Employees Union as regards concern about correctional workers, we are in the process of assisting those two parties in developing a procedure, where the right to refuse does not exist because of a greater public risk, so that the workers' concerns can be dealt with in a very

expeditious fashion. I think we have to pursue that tactic in a number of areas.

The Chair: Mr Mackenzie, may I suggest to the committee, if there are no other questions, that we adjourn now rather than start working through the bill, given the hour and the temperature in this room, and that Wednesday we start fresh with Mr Millard going through the bill clause by clause. Is that appropriate for other members?

Mr Mackenzie: May I suggest also that, if possible, we take advantage of the minister's offer to come back on one of these three days, possibly on the last day? There may be specific questions that we would like to direct to the minister at that time.

The Chair: That would be Thursday afternoon then. Minister, thank you. Mr Millard, thank you for your attendance here this afternoon. The committee stands adjourned until Wednesday afternoon at 3:30 pm.

The committee adjourned at 1737.

CONTENTS

Monday 11 December 1989

Occupational Health and Safety Statute Law Amendment Act, 1989	R-162
Adjournment	R-181

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Chair: Laughren, Floyd (Nickel Belt NDP)

Vice-Chair: Wildman, Bud (Algoma NDP)

Dietsch, Michael M. (St. Catharines-Brock L)

Fleet, David (High Park-Swansea L)

Lipsett, Ron (Grey L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miller, Gordon I. (Norfolk L)

Pouliot, Gilles (Lake Nipigon NDP)

Riddell, Jack (Huron L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Substitution:

Mackenzie, Bob (Hamilton East NDP) for Mr Pouliot

Clerk: Mellor, Lynn

Witnesses:

From the Ministry of Labour:

Phillips, Hon Gerry, Minister of Labour (Scarborough-Agincourt L)

Millard, T. J., Assistant Deputy Minister, Occupational Health and Safety Division

ARON
XC 13
- 576



Document
Publication

No. R-10

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Resources Development

Occupational Health and Safety Statute Law Amendment Act, 1989

Second Session, 34th Parliament

Wednesday 13 December 1989



Speaker: Honourable Hugh A. Edighoffer

Clerk of the House: Claude L. DesRosiers

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

NOTICE TO SUBSCRIBERS

Production of bound volumes of Hansard has been discontinued. Subscribers to the current session who wish to have a set bound at their own expense but who are missing some sittings may obtain complete sets or duplicate issues from the address shown at the bottom of the page.

However, beginning with the Third Session of the 34th Parliament on 13 March 1990, complete sets will not be available at the end of the year. Subscribers who plan to have sets bound are advised to retain their individual copies.

Also beginning 13 March 1990, the page size will be increased to $8\frac{1}{2} \times 11$ inches from the present $6\frac{1}{2} \times 9\frac{1}{2}$. Because all committee sittings now are being formally printed, separate subscriptions are required for sittings of the House and sittings of the committees. Separate indexes also will be published for the House and the committees. Beginning with the index for the Third Session, they will be annual rather than sessional as at present.

Subscription information may be obtained from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Wednesday 13 December 1989

The committee met at 1535 in committee room 1.

OCCUPATIONAL HEALTH AND SAFETY STATUTE LAW AMENDMENT ACT, 1989 (continued)

Consideration of Bill 208, Occupational Health and Safety Statute Law Amendment Act, 1989.

The Vice-Chair: Will the committee come to order? I understand that the Conservatives will be here later. We are here to continue discussion of the ministry's presentation on Bill 208, but prior to that, we had asked our researcher and the clerk to get some information for us, so I think that first we could ask our clerk if she would give us the information she found.

Clerk of the Committee: There were some question about the time frame of the tabling of government amendments on Bill 162. They were tabled on Thursday 25 May, which was the first day of clause-by-clause on Bill 162, not before.

The Vice-Chair: So they were not presented before the hearings.

Mr Dietsch: It is nice to know my memory still works.

The Vice-Chair: Also, our researcher, Mr Fenson, has some information for us.

Mr Fenson: Yes. I just filed some information about the provision for worker safety inspectors under some United Steelworkers of America collective agreements. At Rio Algom in Elliot Lake there are six full-time safety inspectors, at Denison Mines in Elliot Lake there are five, and at Inco there are 12 in Sudbury, for about 6,200 members.

They are all full-time, they are all union-appointed and they are all paid by the employer. They are all provided for in the collective agreement or letters of intent attached to the collective agreement. They report to management.

I spoke to someone at Sudbury who said that Inco has never reopened after a shutdown called for by a safety inspector. Altogether he says they have required about 20 to 30 shutdowns since 1985, which he says is a very small number. Most are dealt with by some adjustment and agreement. He reported that the system works

very well, and they have been in force since 1984-85, depending on the mine.

Mr Dietsch: Could we have copies of that?

The Vice-Chair: The material should already be on your desk.

Mr Fleet: You indicated that these are positions that all report to management. I had an opportunity to read just the very first page of this document that sets out provisions from collective agreements. They do not look to be all exactly the same. At least in the first one, it appears that the so-called designated employees are proposed by the union, but using the language you had, they report to management. They are otherwise, for all intents and purposes, management employees. Is that correct? I just want to be accurate as to what took place.

Mr Fenson: They are paid employees. Their duty is to report to management that there is a safety problem and the obligation of management is to respond to it, but they are appointed by the union. They maintain their job classification for their other jobs while they are serving as the safety inspectors, so they are employees but not on the part of management.

The Vice-Chair: They remain a part of the collective bargaining unit?

Mr Fenson: Yes.

Mr Mackenzie: Members of the union.

Mr Fleet: Again I am going to the first one because it is the only one I have had a chance to read. I take it they would carry out duties in the same way as what are called company inspectors?

Mr Fenson: Yes, and the employees really have the option of reporting either to a union-appointed safety inspector or to a company safety inspector. I think in fact they are more inclined to report to one of the union-appointed ones to preserve anonymity if that is what the workers want. They seem to be the conduits for most of the information arising about safety problems in the workplace.

Mr Fleet: And is there any provision in here, in the document you have provided, that sets out what the powers are of an inspector to stop work? There is one page called "Working Procedure" which has a whole series of instructions.

Mr Fenson: Except for Rio Algom, where there is a job description outside the collective agreement, there is no written guideline other than what appears in the collective agreement for their jobs, so to the extent that that is not specifically covered in the material I have given you here, it is simply by understanding and common practice. There are not any written, established guidelines beyond what is here, except for a job description in the case of Rio Algom.

Mr Fleet: The only one I have seen as I flipped through is one entitled "Working Procedure," which is primarily a page that talks about general kinds of duties. It does go so far at one point—

Mr Mackenzie: Take a look at 6.

Mr Fleet: —in number 6, that is right—to say, "directs the stoppage of work immediately necessary to ensure worker safety and health (including environmental concerns) and promptly reports same," etc. I suppose that is the closest, although it is not really clear to me what appendix C means. That is just the job description you are talking about?

Mr Fenson: Appendix C is the appendix in which these working procedures are included. What you are reading is part of appendix C.

Mr Fleet: I see. That is the only example that we are aware of like that?

Mr Fenson: My information is that there are no other working guidelines in any of the three mines I mentioned.

Mr Fleet: I think this is what the minister was referring to in his comments where he said there were job descriptions, but I may be wrong. At least, I think that was my understanding of what was being discussed.

The Vice-Chair: He will be back tomorrow to determine whether or not he understood the collective agreements.

Mr Mackenzie: I was going to bring to your attention on Rio Algom the working procedures and point 6. We will also have the director of the steelworkers' union here before us, and probably when we are in Sudbury the people from the Elliot Lake mines as well. Certainly the operation, the intent, the clear understanding of the steelworkers' union is that in terms of these contracts it has achieved the right. They exercise it.

I was a little surprised at the minister's statement that he had not been able to find any kind of contractual—I guess it could be the definition of what you call contractual, but there is no question that is a result of the fatalities in the

mines and the problems they have had. They have worked into those agreements and it is clearly understood by the steelworkers as a right that their safety people have to stop a work procedure if they feel it is a threat to workers. I do not know how you could read anything else into 6, which I think is worth putting on the record:

"Assesses hazardous conditions or practices, directing workers in correction or discontinuation of unsafe practices. Advises supervisors and employees of action to be taken or methods to be used to ensure continued operation in a safe manner. Follows the code of practice; directs the stoppage of work immediately necessary to ensure worker safety and health (including environmental concerns) and promptly reports same to supervision, consulting with same on the corrective action required."

Mr Dietsch: So they consult with their supervisor.

Mr Mackenzie: No, he can stop the operation first, just that simply.

Mr Dietsch: Did you say they were coming before us?

Mr Mackenzie: They will be before us.

Mr Dietsch: Do you know who else is coming?

Mr Mackenzie: I have no idea who all else will be before us. I know that primarily the heads of unions will be before this committee right across the province.

The Vice-Chair: Are there any other members who wish to ask Mr Fenson a question?

Mr Mackenzie: If there is any challenge, I would like to know it so we can clearly clear it, but certainly as far as I am concerned a wrong impression was left by the minister.

Mr McGuigan: It seems to me in the previous committee there was some reference made that the auto unions had some of the same protection. I wonder if that could be investigated.

Mr Mackenzie: I would be surprised if they do not. I am not aware of it; I was aware of the steelworkers' union.

Mr Dietsch: Perhaps we could get on with the explanation.

The Vice-Chair: Since it was my question that led our researcher to do this, I had two questions I wanted to ask, if other members have completed their questions.

It is your understanding then that these positions that were established in the three locals of the United Steelworkers were established as a

result of a collective bargaining process that led to these agreements?

Mr Fenson: Yes. It was definitely a result of the collective bargaining process.

The Vice-Chair: And you said how many times, was it at Inco that they have—just at Inco, yes.

Mr Fenson: It was at Inco that I was told there have been a total of 20 to 30 shutdowns since it was first negotiated in 1985, and that was reported to me as being a small number of shutdowns.

The Vice-Chair: You were talking to a member of management, were you?

Mr Fenson: No, I was talking to a member of the union.

The Vice-Chair: Okay. So in other cases where there were hazardous situations, they were able to resolve the situation without having to have a work stoppage?

Mr Fenson: Yes. That happened in the vast majority of cases.

Mr Mackenzie: I think it is worth also putting on the record very clearly that these procedures were worked out as a result of loose rock and deaths in rock falls and a number of other situations that were a continuing problem that was not being resolved, and as far as I know, although they would probably just as well do without it, it is a situation that is accepted by management as well today. That is what the union reports to me in terms of the right of these inspectors to close it.

I do not think there has been a misuse of it, which is another point that I think is worth putting on the record very clearly.

1550

The Vice-Chair: We will have the opportunity to ask representatives of Inco and Rio Algom and Denison, I am sure, as well as representatives of the locals, when we are having the hearings.

Mr Miller: For clarification, this already exists; the protection for the workers is already in place?

The Vice-Chair: In these three workplaces.

Mr Miller: There is nothing wrong with that.

Mr Mackenzie: It raises the question of why the changes they want to make with Bill 208 then, does it not?

The Vice-Chair: We do not want to take too long on this.

Mr Fleet: There are a lot of other questions, Mr Mackenzie, to be fair.

The Vice-Chair: Mr Miller, the question really was, if they can do it in three workplaces, why can they not do it in others? That was the question.

Mr Dietsch: There is only one workplace that has these working procedures spelled out?

The Vice-Chair: Yes, but the others all exercise the same rights. Perhaps Mr Millard could clarify this. From the understanding of the ministry, in these three collective agreements do management and labour both recognize that they indeed have worker inspectors who have the right in the last resort to shut down hazardous workplaces?

Mr Millard: Certainly in my discussions with both management representatives of the mining industry in Ontario and union representatives, including the director of district 6, Leo Gerard, my understanding is that over the course of a number of years they have developed through a collective bargaining process, not out of what one would consider to be or in any way characterize an adversarial collective bargaining process on this matter. It has been very much a matter of them working very closely together.

The Ham commission, as you will recall, and the Burkett inquiry into mining safety in Ontario, did cause a very focused attention to be placed on health and safety in the mines in the province. It was the focus of both workers and employers in this province and they worked together. I think they developed a level of trust and a level of participation between workers and employers that in a lot of our industrial segment out there is unparalleled.

They also committed themselves to one of the most ambitious—and in fact in Ontario the most ambitious—training program that has ever been undertaken with respect to health and safety in a work environment, to the extent that I believe there are now 30 modular training programs. If you wish to work in a sector or in a position within a mine where that module is involved, you have to have taken that modular training that has as an integral part of the training occupational health and safety training. It teaches you not just how to mine, it teaches you how to mine safely, and there are 30 of those modules developed jointly by management and labour.

In the collective bargaining process—and I say in not an adversarial way—they have developed the concept of the full-time worker inspector. It is characterized by a number of different names, but we tend to call it the full-time worker

inspector. That is a bargaining unit member who is ordinarily selected by the workers, as opposed to being appointed by the trade union, which is also something that they have worked out to meet their various needs in their various work situations. For that person, his or her responsibilities—and I think that at this time those are only “his” responsibilities—become one of being an inspector for health and safety in that workplace.

The name “inspector” is somewhat misleading inasmuch as it leads some people to believe that they have the authority to administer and enforce the Occupational Health and Safety Act. They of course do not have that authority, but they certainly have all of the authority that they require from the employer to do the job of being the eyes and ears for health and safety.

What has been very difficult to find in collective agreements and through the collective bargaining process is a mechanism whereby you can generally describe how dangerous work should be stopped, so a number of working procedures—and I will add, and I think I will add with confidence, having spoken to a number of people, that that procedure is most often simply known and not written—have evolved for being able to ensure that dangerous work is stopped.

Traditionally, and I think in most cases, from my discussions, what happens is that if the person doing the job becomes aware that there is a hazard, that person’s first responsibility, of course, is to ensure that the scene somehow is vacated. If it is a situation of loose material, then of course the first response is to react and evacuate that area.

If it is the inspector who becomes aware through his activities or through being advised by another worker in the mine that there is a concern, the inspector investigates. If the inspector believes that there is a hazard, as a normal proceeding that inspector contacts the supervisor of that immediate work location, explains the nature of the problem, and ordinarily resolution is gained in that fashion and the supervisor either clears the area or in fact fixes the situation—if it is a piece of equipment that is faulty he has the equipment replaced or repaired; whatever is required—so that the supervisor is carrying out that line management function.

Failing resolution there, ordinarily what will happen is that that inspector will seek resolution at a level within the organization and they know which shift boss they go to to get that next level of resolution, so there is a step-by-step procedure of ensuring that the line management in the mining activity is recognized as well and is brought to

bear upon these situations that require that kind of activity and that kind of treatment.

In our research and discussions, we find that management and the workers concur most often in that situation with respect to the need for a situation to be resolved. When they cannot, it goes to a higher authority. It usually goes to the shift boss and the shift boss will make the decision. I do not think we have had a case where they have been unable to resolve that ultimately within the workplace. If they are unable to resolve it, of course they call in the Ministry of Labour and the Ministry of Labour makes the final determination. So that is our understanding.

The Vice-Chair: In that process, if they are unable to reach an agreement, the worker inspector in these three cases does have the right to say, “Until this is resolved, that work activity should stop,” in these three cases.

Mr Millard: I hesitate to answer you because I am not sure I know. My understanding is as yours. For me to be able to respond in the affirmative, I do not know that I have asked that direct question.

The Vice-Chair: We will have them before us and we can ask them.

Mr Millard: Exactly.

The Vice-Chair: Just one other thing so that you can get on with your presentation, in the experience of the ministry and your inspectorate in these three workplaces, would you say that as far as the ministry is concerned the establishment of worker inspectors in these three workplaces has been beneficial and useful in improving health and safety in these three workplaces?

Mr Millard: I think all three parties—government, workers and employers—would agree that the kind of co-operative participation that has evolved to this level of sophistication has been to the benefit of each of those operations where this kind of attention has been paid.

The Vice-Chair: Thank you very much, Mr. Millard, and thank you, Mr. Fenson, for getting this information for us. Now I think we can proceed with your presentation.

1600

Mr Millard: With the committee’s indulgence, we hope today to be able to provide an overview of Bill 208. In that overview I would hope to be able to provide some positioning for Bill 208 in the context of how it will improve the major tenets and principles that underpin this entire initiative, and in fact underpin the existing Occupational Health and Safety Act.

I think each of you has in your package a copy of the Occupational Health and Safety Act. That Occupational Health and Safety Act is about 10 years old. It came about as a result of a number of inquiries into occupational health and safety in the province. I named one in particular, the Ham commission that looked particularly at mining health and safety in the province.

As a result of that kind of review of occupational health and safety, it was decided that it was in the best interests of health and safety to have one comprehensive act that dealt with worker safety as opposed to a number of discrete and sometimes disparate pieces of legislation that had traditionally and formerly dealt with occupational health and safety.

Thus, in 1989 we have the Occupational Health and Safety Act. It brought together an organization to be able to administer the Occupational Health and Safety Act, our occupational health and safety division under the Ministry of Labour. It took its staffing from the former Ministry of Housing, which had some building inspectors, the Ministry of Health, the Ministry of the Environment. They were created into a division.

At the heart of the Occupational Health and Safety Act is a system that is called the internal responsibility system. The internal responsibility system, boiled down into its simplest fashion—that is the way I find myself at least able to understand what I think the internal responsibility system means as I am charged with assisting the minister in administering the act—is that government cannot manage and control risks in the workplace alone. In fact, the parties that are most well equipped by virtue of their knowledge and their location to control and manage risk in the workplace are the worker and the employer.

Government has a responsibility to provide those parties with structure to be able to work together, with knowledge by way of information to bring to bear upon hazards in the workplace and to be able to manage hazards in the workplace, and of course by way of legislation that serves to enforce the internal responsibility system.

That internal responsibility system has three main principles to it. There is the right to participate. The right to participate is the right of all of us to have some opportunity to participate in designing and working in a workplace in a way that we know we are doing safely, in a healthy manner. On the right to participate. I do not think it would matter if we were talking about occupational health and safety, about improving

productivity, about worker morale or about quality control.

The first place we would start is, let's make sure we have significant commitment to the product and significant ownership of the product, and the way we will do that is by giving us all some opportunity to participate in designing the product, and the product we are talking about here is occupational health and safety. That right to participate is one of the three fundamental principles.

The next, to put more life and meaning into that right to participate, is the right to know. The right to know means that we all have to have sufficient knowledge to be able to exercise our responsibilities in a knowing and responsible fashion. We have a responsibility to make sure that we invest information and knowledge into that partnership and that participation of the workplace parties at the workplace by making sure they have access to the information that is necessary for them to do their job. So the right to know becomes central as well.

Finally, there has been what has been characteristically and traditionally called the right to refuse. The right to refuse means the person can step back from a job he believes is likely to endanger him and have that investigated and resolved to his satisfaction before he has to return to that work. That is one tool that serves to allow the partners to use their knowledge to protect themselves.

The right to refuse in the administration of the Occupational Health and Safety Act has allowed that area to grow into a number of rights to responsibly use that knowledge. They are manifested right now in the Occupational Health and Safety Act in such ways that—you will be aware that we passed some substantial legislation with respect to what is called the workplace hazardous materials information system last year. That allows a much greater knowledge to go to those workplace parties.

It also calls for specific training. The present act also allows for inspections to take place within the workplaces on a regular basis, and it allows a number of opportunities for workers and employers to resolve any concerns around health and safety in the workplace through that right to use that knowledge in a responsible manner.

Government of course is charged with the responsibility of enforcing this system, of creating legislation, of creating regulations pursuant to the act and then of course enforcing that system. The two must go hand in glove. The internal responsibility system must be accom-

panied by the ability to monitor and enforce the system. While almost all jurisdictions strive for some level of self-management within the workplace, I think almost all jurisdictions also realize that must be balanced with the capability to enforce the internal responsibility system.

Our administration of the act at the present time is inspection-based. We have a cadre of inspectors. They are at this time, and will continue to be into the future, specialized in three large specialties, one being mining, one being construction and the other being industrial. Perhaps we should feel most sorry for the industrial health and safety branch inspectors who are charged with the responsibility of inspecting everything other than mines and construction projects. They encounter a widely varying set of workplaces as they carry out their functions.

In the administration of that act we have the authority to respond to complaints, to deal with complaints and to deal with violators, and we do that on a regular basis through our ability to investigate and our ability to prosecute. That is the substance of the way the act now is founded and the way we administer the act.

That sets the stage, I hope, for discussion of Bill 208.

If you want to refer to the slide, you may find it an improvement to having to look at me.

The need for change is a very real need. The act is 10 years old. There have been improvements in occupational health and safety in this province. We have fewer traumatic injuries in the province than we did 10 years ago, but none the less we have what we consider to be unacceptable costs in terms of human loss and economic loss associated with occupational health and safety in this province.

Mr Mackenzie: Mr. Chairman, if we have the odd question or comment along the way, how do you want to handle it?

The Vice-Chair: I think it would be better if we could go all the way through and then have questions at the end. If there is just a small matter of clarification, that is fine, but if it is a question, it would be better I think to make note of the questions and raise them at the end.

Mr Millard: As I conclude my overview presentation and before we begin Dr. Shulman's presentation with respect to more detail, perhaps that would be an appropriate time for me to respond to any questions that arise from this part of the presentation.

The Vice-Chair: Okay.

Mr McGuigan: Can you allow a short question on clarification?

The Vice-Chair: If there is something Mr. Millard has said that you need to have clarified, yes, I think that would be acceptable, but I do not want to get into a long exchange or we will not get through the presentation.

1610

Mr McGuigan: I have one to understand the 360 fatalities. Do you have a breakdown on how much of that is traumatic and how much is occupational illness?

Mr Millard: Yes. In fact, it is about half and half. We could supply you with the exact figures if the committee wishes.

There were seven million days lost in 1988 due to occupational injury and illness. To be able to put that in some context, in that same year there were 1.2 million days lost to legal strikes in this province, so we lose more than five times as many days to occupational injury and illness in a year than we do to job actions and strikes.

As already noted there were some 360 fatalities in 1988, some 210,000 lost-time injuries and \$1.5 billion in Workers' Compensation Board payouts in 1987.

Mr Mackenzie: The loss was 1.2 million?

Mr Millard: Yes, 1.2 million.

The principles that underlie the amendments in Bill 208 are that health and safety really must be improved. While there has been improvement, we believe significant improvement can be made. We are fundamentally committed to the notion, the concept and the ideal that the participation of the workplace partners is essential.

I have not been the administrator of the Occupational Health and Safety Act for a long time—I have only been so for some two and a half years—but my observation is that you do begin to reach a point of diminishing returns in terms of trying to be prescriptive only about how work must be done safely. You have to create greater structure for the two parties to design systems that really do work for them. We have to be committed to the ideal that the workplace partners must participate in the design of the system and that useful participation requires improvement in training and a new level of knowledge with those two partners, and certainly some would suggest as well with government.

We believe that when we are dealing with scarce resources, as we always are dealing with scarce resources whether it be knowledge, whether it be money, whether it be legislation,

the joint health and safety committee that presently is required in the Occupational Health and Safety Act in a number of workplaces should be the focus for that new knowledge. That is where the training should be focused, not to the exclusion of training of other workers, but focused on some intensive training on that joint health and safety committee which can serve as the ally to the employer when the employer exercises his or her ultimate accountability and responsibility under the Occupational Health and Safety Act.

That requires an appropriate set of procedures and appropriate authorities for them to be able to exercise that level of participation in the workplace, and for us to be able to assure and ensure that it is enforceable.

That of course requires that inasmuch as the employer is and will continue to be accountable and responsible for occupational health and safety in the workplace, you have to balance authority and accountability so that you can have an operating structure within that workplace that allows people to carry out their respective duties, whether it be duties of inspection for a joint health and safety committee member or whether it be duties of the employer to respond to any given situation. We have committed ourselves in Bill 208 towards a collaborative participation of business and labour in a better design.

If we look at the concept of improved participation, it manifests itself in three significant ways in Bill 208. It manifests itself at the provincial level in the Workplace Health and Safety Agency. The Workplace Health and Safety Agency will be a new creation, a new body of labour and management that will have provincial responsibility for overseeing the occupational health and safety training needs in this province.

That will mean it will assume a responsibility that now sits within the Workers' Compensation Board and will assume that responsibility in a separate agency to oversee this important matter. At the present time, through a number of accident prevention associations and through the Workers' Health and Safety Centre, some \$46 million to \$47 million is presently spent by those organizations on occupational health and safety training.

I believe there is significant opportunity to provide more common direction for some more common issues in health and safety by bringing those associations and that Workers' Health and Safety Centre under the aegis of the Workplace Health and Safety Agency, which will be

responsible for overseeing the meeting of the needs for occupational health and safety education in this province, so that participation flows at the management level into the Workplace Health and Safety Agency.

At the sectorial level where there are a number of accident prevention associations such as the Mines Accident Prevention Association of Ontario, the Construction Safety Association of Ontario and the Industrial Accident Prevention Association of Ontario. Bill 208 will require that each of those accident prevention associations, those safety associations, and the Workers' Health and Safety Centre also have an equal composition of worker and employer representatives on their boards of directors as well, on their governing structures, so that participation is brought to life and that partnership is brought to life at the sectorial level as well.

Then finally, and some would say perhaps most significantly, that partnership exists at the workplace level in the form of the joint health and safety committee, which is an equal partnership of worker and employer at the workplace level. That concept will be extended to a host of new workplaces which at the present time are exempt from the requirement for a joint health and safety committee, and those are office establishments, retail establishments and construction companies.

For the first time, the Occupational Health and Safety Act would require that construction projects with more than 20 people be required to have joint health and safety committees. To create the opportunity for participation at those other workplaces that employ fewer than 20 people, the act, Bill 208, will require a worker representative to be selected by the workers and to be appointed where six to 19 workers are employed.

Having created the opportunity and the structure for a new level, and an unprecedented level of participation and partnership in occupational health and safety, then we embark on a strategy to invest new knowledge into that partnership. Bill 208 requires that at least one worker member and one employer member of each joint health and safety committee acquire sufficient training and experience to allow him to reach a level of competence that would allow him to be certified.

That is the concept of the agency, through its operating arms, its accident prevention associations, its Workers' Health and Safety Centre, to develop criteria for training for joint health and safety committee members, to ensure there is an infrastructure in place for the delivery of that

training, and to develop the criteria for certification so that ultimately you will know that people who are exercising those very significant responsibilities on a joint health and safety committee are equipped with a standardized level of knowledge for the particular sector within which they work.

People often ask, "What makes you think joint health and safety committees work?" There are examples where joint health and safety committees work and there are examples where joint health and safety committees are not always effective. One of the things that runs true, however, is that where you have a committed partnership and where you have sufficient knowledge invested in that partnership, the joint health and safety committees are extremely effective in exercising their responsibilities under the Occupational Health and Safety Act.

Having invested knowledge into the partnership, that then brings us to the concept of creating the opportunity for responsible use of that new knowledge through creating some effective authorities.

Some of the authorities that are created in Bill 208 are to ensure that the worker member of the joint health and safety committee inspects that workplace on a monthly basis—at least on a monthly basis—in order that as a minimum over the course of the year the entire workplace is inspected by that member of the joint health and safety committee.

Under Bill 208, it sets out a number of sets of circumstances whereby a certified member of a joint health and safety committee can stop work. As the minister has already indicated, that has been referred to the standing committee for further review and I will talk to that subject in just a few moments.

Where employers disagree on a stop-work provision, of course they can call in a Ministry of Labour inspector who may validate, modify or cancel the order. The order can be reviewed, and if it is found to be made in bad faith, the member who made that bad faith decision can be decertified and will be decertified.

Bad faith is a significant test. Bad faith is not an error. Bad faith is exactly what it says, an act of bad faith. Is there an intent to punish people who make an error in judgement? No. If there is an act of bad faith, each one of us understands that if we act in bad faith we are subject to sanctions.

We also try to give ourselves and the government, in administering the Occupational Health and Safety Act, more effective authori-

ties. We increase the powers for Ministry of Labour inspectors to test equipment, to sample substances, to seize documents, to order tests at the expense of the employer, a number of provision that will allow us to more effectively administer the Occupational Health and Safety Act and to enforce the Occupational Health and Safety Act.

Bill 208 increases the maximum fine for corporations convicted of offences under the Occupational Health and Safety Act to \$500,000. Bill 208 also contains some incentives. The agency that I described would have the authority under Bill 208 to accredit companies with progressive health and safety plans and good records. That may well and should manifest itself in a recommendation for those accredited companies, manifest itself in a recommendation to the Workers' Compensation Board with respect to their assessments, and they should in turn see the opportunity for their assessments to be reduced as a result of being accredited.

You will be as aware as I that prior to its introduction, and post-introduction for first reading of Bill 208 on 24 January 1989, a number of concerns have been raised with respect to Bill 208. Two major concerns have captured most of the discussion around Bill 208. I would like to reiterate that there has not been any fundamental disagreement over the principles of Bill 208. I think the principles of Bill 208, the new participation, the new partnership, the new level of knowledge for that partnership, and the effect of authority and responsible use of that knowledge—there is no disagreement with the principles. There has been concern expressed around the recipe used to put life to those principles.

Concern with respect to the agency is one of the major concerns, and the stop-work authority whereby dangerous work is stopped has also generated significant controversy. Other concerns have centred around the safety associations and the workers' centre, a new partnership of interests in their boards of directors, which will in many cases be foreign to them in terms of the way they have administered their businesses previously and the extent to which they will be allowed to retain their sectorial-specific nature.

The sorts of questions that one hears are, "Will the Mines Accident Prevention Association, notwithstanding the fact that it will have a 50 per cent composition of workers and employers on the board of directors, be able to continue to address our efforts towards the mining community specifically?" The answer to that has to be a clear and unequivocal yes. We need to retain

sectorial specificity. If we do not, then we do ourselves a disservice, if we simply think that one large, monolithic organization can serve the needs of the various sectors—sectorial-specific associations under the very clear and general direction of an agency that sets policy direction for them in that regard.

The right to refuse unsafe work activity has generated concern. There has been significant concern expressed about what the requirements will be for certification. Of course, one cannot easily answer that because that needs necessarily to be a large part of the business of the agencies and the accident prevention associations, that partnership with workers and employers, to develop that information.

There have been specific concerns about the construction sector. There have been concerns expressed about the way we presently administer appeals of our orders under the Occupational Health and Safety Act. Inspectors write a number of orders and sometimes inspectors do not write orders. Both of those decisions can be appealed. They can be appealed to a director of appeals. Right now, that director of appeals is housed within the administrative processes of the Ministry of Labour. I will say that it is in fact perceived as not being sufficiently distanced from the administrative processes of the Ministry of Labour to appear credible, so we have had that kind of concern expressed.

There is concern about the wording of Bill 208 as it allowed, and as it does, presently worded, allow the countermanding of a stop-work order where you could get into the situation where a certified member could stop work or a certified member could say, "No, don't stop work." Of course, that was not intended and that needs to be addressed.

There is also a concern that somehow in the way Bill 208 was written it took away from the authority of workers to select their certified representatives, and we hope to clarify that that is not the case.

We have proposals, as the minister has said, for your consideration. The minister has spoken to you on one occasion in this committee and other occasions in the House with respect to this matter.

With respect to the workplace health and safety agency, it is proposed for the consideration of the committee that a neutral chairman with a full-time labour and a full-time business vice-chair be considered as a way to deal with the concern over the ability to deal with deadlock and the ability to be able to facilitate consensus in a

policy board of directors which should deal with matters through consensus.

The minister also pointed out, when he made that proposal for the committee's consideration, that we believe it is absolutely essential to the bipartite nature of this board that the chairman be selected by and remain accountable to the parties; that the committee consider adding people who have accreditation in the education or the health and safety areas to the board, to be nominated by both business and labour.

There is significant concern about more effective ways to deliver training to small business in this province. We have, only this month, just a few days ago as a matter of fact, received a report from our advisory council to the minister on that very subject, so we have suggested the inclusion of a small business advisory committee to advise the board on cost-effective ways to support training in small business. Of course, the minister has continued to be clear that, as it relates to the agency, the labour representation is to come from organized labour.

With respect to the concern about the degree to which the safety associations and the Workers' Health and Safety Centre will be able to be self-determining and to serve the needs of their sector, it is proposed that those organizations be given the flexibility to determine the makeup of their governing bodies and not leave that to the agency, so that they can find the right way to meet the needs of their constituencies, as long as they have 50 per cent worker and 50 per cent employer representation on their boards of directors. Any dispute with that could go to the Minister of Labour to referee or umpire, if that were needed.

One of the clear concerns that has been expressed is that as Bill 208 requires a one-year time frame to adjust to what will be a rather major change in the way they do business, it is not sufficient. So we propose for your consideration giving them sufficient time in order to be able to do that. We suggest that perhaps two years is more appropriate.

The right to refuse unsafe work activity: Let me once again stress that I think Mr Mackenzie, and perhaps you as well, Mr Chairman, asked the question, is what we are proposing for your consideration a step back from what exists in the act now?

The way the act is written right now, the right to refuse dangerous work accrues to a person only when that person believes that he or she is likely to be endangered by virtue of the physical

condition of the workplace. So the way the act is written, if a person has concern about a work activity he has been asked to carry out that is not a function of the physical condition of the work environment, then we have been found wanting by the director of appeals, who has heard appeals against our orders in that regard and advised us that in fact we do not have that authority in administering the Occupational Health and Safety Act. So Bill 208 puts that in place by allowing persons the right to refuse unsafe work activities.

The kind of injury that may result from long-term, repetitive strain is not easily solved through a refusal process. It is not the sort of thing that you can say, "Oh, that's right and I need to correct that and I will correct that in the next three minutes." It is not like an unguarded machine. We propose to define "work activity" to relate to those instances where traumatic injury will result, more immediate traumatic injury.

I will ask you to consider that, but where the concern is with a long-term, ergonomic type of injury, whether it is carpal tunnel syndrome or whether it is you and I developing back problems from sitting in poorly designed chairs for 15 years—I must admit I sit in those chairs too all afternoon—those are more appropriately handled through a joint health and safety committee deliberating on ways to improve that part of the activity of the worker so that in fact he can avoid at some time, perhaps even after he has left that workplace or even after he has left the work force, finding himself with a legitimate occupational injury. We would ask you to consider that as an alternative to the refusal in those situations only.

The Vice-Chair: Mr Mackenzie and I have been sitting in chairs for almost 15 years that have a poor angle to the Speaker. It would be much better if he could be moved to the other side of the House.

Mr Millard: I am sure you have been hoping for that same number of years that that would soon be remedied.

Mr Fleet: Maybe just at the end of that, to the other side. That would be a treat for your other ear.

Mr Millard: We would ask that the committee consider providing for an orderly phase-in of the certification requirements.

Mr Mackenzie: Are we getting copies of this material, by the way?

The Vice-Chair: You have it in front of you.

Mr Mackenzie: Fine. I have been following the screen.

Mr Millard: We would ask as well, based on concerns that have been expressed to us both by labour and by management, that all of that significant investment that has taken place to date in a number of workplaces with respect to training be recognized in an official way, in a formal way, when the criteria for certification are being developed. I think it is a very reasonable request.

If you, as I, have had the opportunity to visit some of the various workforces and workplaces in this province where they have very sophisticated, jointly agreed to training programs—it would be a shame to see those obviated and discarded as a result of legislation that we brought in that made that kind of investment redundant. We would ask you to consider recognizing that existing health and safety training and expertise in the certification requirements.

We would also ask you to consider being explicit that we are talking about the same certification standards within a workplace for the employer and the worker representative so that there is not the opportunity for, nor the perception of, two standards. We think that is important. We think you are dealing in an atmosphere of trust and faith. These sorts of things perhaps need to be spelled out so that people can take comfort in them.

With respect to the construction sector, we have had a number of concerns expressed about the logistical feasibility of implementing the certification requirement on construction projects where 20 or more employees are regularly employed. By the nature of the way construction takes place, particularly in the unionized sector, you will know that the workers are selected from a hiring hall and go to the job only for the duration of that part of the trade project being completed. You start with cement finishers and concrete work or you start with a forming trade and then you go to concrete, you go to studding and drywall, and each of those trades passes through the project. They have a discontinuous existence on the project.

The concern arises when that project goes from 20 persons one day to three persons the next and maybe seven the next. How do you provide for the continuity through that kind of project of a certified joint health and safety inspector? For the first time in the province we still require joint health and safety committees on all construction projects with 20 or more employees regularly employed, but we would ask you to consider increasing the threshold for certification requirement to 50 workers regularly employed on the

project, that we be specific about the agency developing a method of providing a pool of certified members.

We would ask you to consider a joint training selection board that includes workers and employer representatives up front who can administer the process in a way that will assure that there are sufficient trained, certified members in each of the trade unions to be able to satisfy the requirement of the legislation, that we create a responsibility for the workplace parties to ensure that certified reps are on site. So you may create an authority and responsibility for a union or a building trades council in this province to ensure that when that trade goes to a project, one of the tradesmen or tradeswomen who goes on the project is certified.

Those are the sorts of logistical opportunities that we think need some redress and that we would ask you to consider, and once again phasing in the requirement for certification of members.

We would ask you to consider our request that we make the perception of the administration of the appeal procedure in the Occupational Health and Safety Act more clearly neutral by separating it from the Ministry of Labour process and having the appointment made other than through the hiring practices of the Ministry of Labour. We would ask you also to consider looking at wording that will clarify in a way that a stop-work order can only be cancelled by a certified member who orders it or by a Ministry of Labour inspector so that it cannot be, "Yes, you did," "No, you didn't," "Yes, I can," "No, you can't."

It also needs to be clarified, and perhaps it will change or require amended wording, to be absolutely clear that the employer selects the employer member for certification and that the workers or the union selects a worker representative to be certified.

The right to stop work: There is no doubt in my mind that this has been the most hotly debated issue with respect to Bill 208. The minister has asked you to consider that in the usual case of the internal responsibility system that is based on a true partnership and based on a knowledgeable partnership and responsible use of that knowledge, if it is truly working, then decisions that flow through that system and result from that system will, in most cases, and should, in fact, be joint decisions. The minister has asked the committee to consider that one mechanism of ensuring that dangerous work be stopped is through a joint mechanism where there is

agreement of the workplace parties with respect to the emergency nature of the danger and the need to stop that dangerous work.

The minister also suggests that that is not perhaps a sufficient approach where the internal responsibility system is not working.

If you just go on to the next one perhaps, Bruno—it is not you, it is me. I am jumping.

The minister has asked you to consider that in those workplaces where the internal responsibility system is not functioning, where it is not working, or that is evidenced by a poor health and safety record, the agency could order, for a time-limited period, a unilateral stop-work authority for a certified member to stop dangerous work at that workplace and/or that a Ministry of Labour inspector be assigned to that workplace on a regular basis at the expense of the employer. In fact, we have developed the legislative criteria to be used by the agency to identify that unacceptable level of performance where that additional remedy could be applied.

I apologize for having taken a bit more time than I intended, but that concludes my portion of the presentation.

Mr Mackenzie: You spent quite a bit of time at the beginning on the internal responsibility system. You also made the comment that the ministry is not able to decide for the individual workplaces what is or is not safe other than on an inspection basis. The parties themselves are the most logical parties to be involved in that decision-making.

We probably would not have been involved in as much controversy as we are if there was a perception—or if indeed it was, never mind just a perception—that the internal responsibility system was working. Certainly I presume the assistant deputy minister is well aware of the long battle that a number of members—Eli Martel was one of them—made pointing out the number of cases in the province where the internal responsibility system just simply did not work.

I am wondering, when you make the case that the parties involved, the workers and the company—we have, I think, some pretty good evidence that where they have got down to the nitty-gritty, in the mining industry at least, it is working. If that is the perception, why then do we risk changing that with the change in the agency, which is one of the last points that you made, to a neutral chairman approach? I am not sure that the right to refuse is the most contentious issue. It is certainly rated with the change in the agency, but I am sure the assistant deputy minister knows that that is fundamental.

The principles that you are talking about in this bill, health and safety—you say nobody disagrees with the principle of this bill. There are those who feel very strongly that you alter that principle fundamentally when you drop the bipartite agency approach. I am certain that we are going to hear that every bit as strongly as the right to refuse in the course of the hearings around the province, and it certainly underlines the campaign that my colleague, Eli Martel, conducted for so many years and is one of my chief concerns as well. I just think you do not have the internal responsibility for it, and I am just wondering what your response to it is.

I understand that that will be argued out in the course of hearings. I do not anticipate any change, but I would just like to know what your rationale is for it, because I am sure you know how strongly this is felt.

Mr Millard: I am just noting portions of the question so that I do not forget them in the course of the response.

I understand the concern that you and others have expressed about the internal responsibility system. I think we have understood that in our attempt, through Bill 208, to put better life into the internal responsibility system by creating that level of partnership and participation that is necessary at three levels in this province, at the workplace level, at the sectorial level and at the provincial level.

Right now one of the problems, with very few exceptions, is that when the workplace parties are asked to work together in a way that will bring about an improved health and safety environment within their own workplace and they look beyond that workplace and they look to another model above them to see an action and take direction from it, they do not see that.

We think it is necessary to put that partnership on a provincial level and at the sectorial level so that there is a much greater level of trust, faith and acceptance by those joint health and safety committee members who have such a difficult job to do, so that the information they are getting is not just government information or it is not just from labour or it is not just from the employers; it is a product that they all have invested in and all committed to and they all have ownership of.

I think it will improve the internal responsibility system there. I believe this is an unparalleled initiative in terms of investing in knowledge and training for joint health and safety committee members. I do not believe we will find another jurisdiction that has committed itself to this extent to the training of those joint health and

safety committee members. We will make them knowledgeable partners.

When people say to me, "Do joint health and safety committees work?", it really depends on whether they really have the knowledge to do the job, and then, of course, the authority to do the job. That is where we will wrestle often, with respect to the degree to which you can provide adequate and thorough authority for everybody to be able to exercise his responsibilities in an internal responsibility system. I believe that is the reason it is absolutely fundamental that the government be here to enforce this. If all of the authority could be put out in a way that it could be administered internally, then you would not need it administered and monitored from the outside. But we do need that, and I think we will always need that. The system requires that balance. I think we will have improved the internal responsibility system through Bill 208 significantly.

While I very much appreciate the concerns that you express and that Mr Martel expressed about the internal responsibility system, I would hope that we will find that Bill 208 responds to what you have considered to be some of those inadequacies of the internal responsibility system.

With respect to the agency, it is a very difficult issue with respect to how best to configure the agency so that it stands the best chance of working. That is what we are struggling with and that is what we are trying to assure, that it has the best chance of working. If we look to some other models, in the mining legislative review committee, which some of you will know is a partnership of interest that has existed for some considerable time now. They, as government, labour and management, develop most of the regulations and in fact ultimately endorse all of the regulations that flow with respect to mining health and safety in this province. But after that kind of a very productive experience, only this year have they evolved to a nonvoting chair. They have retained a neutral chair this year. They have evolved from its being a voting chair to a nonvoting chair, and that is after some considerable time.

In my experience with the joint steering committee for regulation of hazardous substances, I have been asked by the two parties to chair that committee. I am the sole representative from government there. There are nine labour representatives and nine management representatives, and we are dealing with what I think is perhaps one of the more significant issues that we will

deal with in health and safety. That is regulating exposures to hazardous substances to avoid occupational disease. There we find, I think, and I think the parties that will speak to you during the course of the hearings will agree, that sometimes my presence there as a chair is able to facilitate consensus where it would not be found otherwise.

I can only say to you that, on the one front, with respect to the internal responsibility system, we believe we are very much addressing ourselves to the concerns that you and others have expressed about that system and, on the other hand, trying to assure that we have an agency that will work. While eyebrows may raise in a scornful way when I say this, we do believe in that essential bipartite nature of the agency, that those are the two principal partners, labour and management, and that it is critical that if there is to be a neutral chair, that neutral chair be selected by them and be accountable to them, not accountable to someone else, and renewable at their pleasure. That is real accountability. While it certainly, I am sure, does not satisfy you in terms of—

Mr Mackenzie: I am not sure that the move to the nonvoting chair does not really underline or emphasize the argument that labour is making. They are the ones that have made probably the most fundamental decision to change some of the approach in labour-management relationships by accepting, and they were asked, as I am sure the deputy knows, to sell the approach of the bipartite agreement or bipartite control of the agency.

The view of people in the labour movement, as I am sure we will hear here, and certainly my concern, is that they see that as, in effect, fundamentally changing the internal responsibility system or destroying it. That is what you are going to have to get around, and I do not think you are going to be able to do it with this piece of legislation. I think we will be back to where we were very quickly if that is what happens with this legislation.

I wonder also, when you made the presentation to us about the proposals for consideration of the committee, it may be a little unfair, but one of the arguments we had, as you know as well, was that these are fundamental changes to the original agreement. You are arguing that we want to keep the principle intact. The problem is that the principle is no longer intact, at least in the view of some people, with the suggested amendments that the minister wants to make to this particular bill.

In the minister's statement that you read yesterday, there was an indication of consultation in the sense of the questioning yesterday. It said that it did not happen with the bill in place. I specifically went after the leaders, including Gordie Wilson and others, last night once again to make sure that I am not wrong. I am wondering if you are aware of any consultation on these changes that the minister is suggesting. If they are as fundamental certainly as labour thinks they are, why all of a sudden do we get the suggested amendments and the suggested areas they want to change, with the minister saying there was consultation, when in fact it appears there was not consultation of any of the players on the labour side of the issue? It is a difficult start for internal responsibility and even a bipartite approach.

Mr Millard: No. If I may, I think there were some—

Mr Mackenzie: As I say, I may be a little unfair. I am asking you things that the minister—

Mr Millard: No, no. I think we had some 60-plus consultations at first reading. Certainly we had meetings with labour organizations and we had meetings with employer organizations through that time, and we heard a number of their concerns. Did we at any juncture in that set of consultations—I am trying to choose my words very carefully, because they need to be careful with respect to this issue. Did we in fact negotiate with any of those parties at that stage in the process? The answer is no, we did not.

We heard the concerns, and I think we have heard an awful lot of the concerns. The standing committee, I think, will hear perhaps more concerns or hear these same concerns repeated, but in that process, certainly both labour and management—and I am sure my friend Mr Wilson will indicate to you and has indicated to you that he has met with the minister and with the staff to make sure that we are absolutely and fundamentally aware of his concerns and his affiliates' concerns with respect to the bill, as did many other labour organizations and employer organizations. But we did not, in the course of those consultations, negotiate with any of them with respect to these proposals for the committee's consideration.

Mr Mackenzie: Going just for a moment to the training programs, I appreciate that answer because I think it does accurately reflect what they have told me, that at least the suggested changes had not been a matter of discussion as far as they were concerned. What they were selling, with some opposition from some of the unions,

was the original intent, as they saw it, of the bill, I guess back from the previous minister's participation in it.

Mr Millard: But I need to be clear that there were not negotiations with either of the parties in this matter.

Mr Mackenzie: That is something I have no input to. I am just going by the impression given in the minister's statement, if you will forgive me, that there was consultation. There certainly was not in those specific areas of change, as far as the labour movement was concerned.

With respect to the training programs that have gone on so far and the training, you mentioned that one of the factors today is the ministry inspectors and the role they play in the safety and health legislation in Ontario. While it is recent, I am wondering if there is not another major player now in health and safety in Ontario. I have no idea; I was going to ask you.

How much training has been done from the management side? I know the large number of people that have gone through the Ontario Federation of Labour health and safety programs and the training programs and that indeed they are training management people as well as workers in those programs. I am wondering if anybody else has played the same kind of role and if you have a handle on the numbers of people who are out there, apart from ministry people, who have already had some fairly extensive training in the workplace.

Mr Millard: I do not think we do have a good inventory of training that exists, to be honest with you.

I sit on the Canadian Labour Market and Productivity Centre as a governor on that board. As you will know, it is a tripartite board of government, labour and management, and we have recently been looking at the federal government's proposal to put \$800 million of unemployment insurance money towards training. The Canadian Labour Market and Productivity Centre has seized itself and has been seized by the federal government with the responsibility of trying to determine how that money might be spent appropriately. Throughout the exercise we continued to run up against what was a most bothersome barrier, and that is that there is not a good inventory out there of any of the valuable training that has taken place, either by labour or management.

1700

I can only say to you that I wish we had more information on that subject, because I continue to

go to workplaces where I find that there is some very valuable training taking place that we have no knowledge of. Certainly the safety associations are doing a great deal of training; the worker centre is doing a great deal of training; we in the Ministry of Labour do training. We engaged in a very successful partnership with labour and management to develop all of the workplace hazardous materials information system training material. So there is a lot of it. How much I wish I could tell you; I cannot.

Mr Mackenzie: I will leave this in just a moment, Mr Chairman, but would you agree or disagree with the perception that I certainly have—I have some idea of some of the numbers that have gone through the OFL programs—that there has been a lot more activity in terms of hard training for workers done through the unions than there has been through any company initiatives?

Mr Millard: Based on my subsample, I suppose, in terms of my knowledge base, and ordinarily I am speaking to labour and management together, so I am often just hearing one voice, and that is their collective voice, there are lots of co-operative efforts out there. I cannot say whether one or the other is doing more; I just know that of late there is a lot more training being done.

We have legislated the requirement for some of it. Recently, as you know, also in the forest products area, where there is an unacceptably high rate of accidents, we have legislated requirements for training for cutters and skidders, which are the two most dangerous operations in the forestry business.

There is an awful lot of training taking place and there is a large need for more training to take place, I can assure you, based on our experiences in a number of those workplaces.

Mr Mackenzie: The final question at the moment: What plans does the ministry have, and have you an outline of the procedures that you intend to use in terms of the upgrading or downgrading of a good company versus a bad company in terms of the health and safety problems, and how fast can we make that assessment? I am talking now about the right to refuse or a different approach that we have between a company that has a good record and a bad one.

Mr Millard: We would hope, at the chairman's pleasure, to provide information to the committee with respect to a proposal for consideration for criteria for unacceptable performance.

I think was the second part of your question was, "Have we put our mind to how quickly we could make that decision?" Can you help me, Norm?

I think the answer is no, we have not put our mind to how quickly one might do that. We engage in a number of inspections at the present time and make an assessment based on those inspections.

Mr Mackenzie: So your background paper on all the changes you want is only partially complete at the moment?

Dr Shulman: Close.

Mr Millard: I feel like that is one of those questions that no matter how I answer it, there will be no right answer when my minister reads it in transcript. Thank you, Mr Mackenzie.

The Chair: There are a couple of people on the list and then I think we should probably move on to Dr Shulman's presentation, is that agreed? Mr Dietsch and Mr Riddell both had questions.

Mr Dietsch: There are a few areas that would I like to get clarification on, and I think they are very important areas. Mr Mackenzie touched on a couple of them, I guess from his viewpoint, and I want to make sure that I am clear from my viewpoint on just the process and the agreements and the negotiations that went into the whole realm of this legislation.

As I understand it, there is agreement by both parties in the workplace, by the employers and the employees in the workplace, that the kinds of accidents and injuries that were taking place were unacceptable. There have been a number of studies over the years that have developed the kinds of proposals that are being put forward now in Bill 208, the fundamental proposal of internal responsibility being, I guess, the nuts and bolts, if you will, of developing a closer partnership within the workplace itself.

Mr Mackenzie touched on labour's feelings, as a result of the changes that are being proposed, as being perhaps some that took away and degraded from the principles, and that concerns me because—

Mr Mackenzie: They call it betrayal, if you want to use terms.

Mr Dietsch: Call it what you will, but I think the fundamental agreement or disagreement on the issue is probably one that is going to be discussed on several occasions over the next few weeks or few months. But I want to make sure that I am clear. Mr Millard, you participated or were at many of these discussions between the two groups, am I correct in that?

Mr Millard: I was indeed, yes. I was at not all but most, I would say.

Mr Dietsch: I guess this format is no different really from the development of legislation. The format that was used on the health and safety is really no different than the format that is used on other pieces of legislation where there are two groups involved, where labour perhaps has some opinions and some feelings with regard to changes that it would like to see, on changes within the legislation, and employers have the same kinds of feelings for changes. Is that basically the principle that brought the people to the table in the first place?

Mr Millard: Yes, very much so. I feel compelled at this point to say—I just feel compelled; I would very much like very much to say it—that the process was one of seeking input with respect to a government initiative. This has been and continues to be a government initiative. While the parties were brought to the table—and most often, leading up to the first reading of the bill, those parties were brought together in a forum up face to face with some Ministry of Labour people there and often the Minister of Labour there—to try to gain their views with respect to a Ministry of Labour initiative, how to improve occupational health and safety in the province, while we sought out and I continue to believe that we gained acceptance of the principles, we did not in fact ask for acceptance of the details and the implementing mechanisms.

Mr Dietsch: You did not?

Mr Millard: We were not able to ask the parties to be representative, particularly to ask employers to be representative of the entire employer community. We asked them to the table, and you will recall as well that this was in the face of Bill 106 having died in Orders and Notices, that both labour and management wanted changes to what Bill 106 would have brought about.

So we had the employers there and we were quite candid in saying: "Look, we want your opinions with respect to these principles and we want your opinions as chief executive officers or directors, whatever your position in your company may be. We understand that you are not here to represent the entire employer community, because you do not have a mandate to do that." We simply sought out their knowledge, if you will, not their representativeness.

That is the way that we tried to forge a government initiative, and when it came time to put all of the life to the principles in terms of the implementing techniques and the mechanisms,

we did not try to negotiate those down to a T. We felt that we had that agreement on the principle and it was government's responsibility to put life to those principles with a number of implementing mechanisms that you now see in Bill 208.

1710

Mr Dietsch: So it was not a negotiating process or exercise that labour and management was going through, it was a process where individuals were having input into government legislation from their particular perspectives?

Mr Millard: That is a fair evaluation. There was negotiation around the principles, of course, and what do these principles mean and how could you do it, but—

Mr Fleet: Open government, Bob.

Mr Dietsch: Open government sometimes has its price and sometimes, quite frankly, there are those who feel that an open process automatically brings with it some challenges. Personally, I would prefer the challenges that it does bring, but it is important that we have the facts that come with it as well. I want to make sure I am perfectly clear, because I know that, as sure as I sit here, there will be those who try to interject into the system that there was a negotiated process and you are telling me that there was not a negotiated process?

Mr Millard: I believe that all of the parties acted with integrity and they continue, I think, to have respect for each other. There were a number of different players at the table at any given time and those people came to agreement on principles: the principle that there were better ways to deliver health and safety education training in this province; that it should be delivered through a partnership of labour and management; and that we should create much more effective ways to enforce that.

Moving on from there, government made it quite clear that it was our initiative and it was our need to move ahead to put the implementing techniques to those principles.

Mr Mackenzie: Will you allow a supplementary on that, Mike?

Mr Dietsch: That is basically the way I understood it. Of course you were at the table, I was not, and I want to be perfectly clear, because I think personally it is a very important point.

When you were answering some questions with respect to the mining industry, you referred to the fact that there were impartial chairs on some of the committees that were struck, like the Mining Legislative Review Committee and other

committees. They seemed to work reasonably well, in your opinion?

Mr Millard: That is why I used them as examples. The Mining Legislative Review Committee is a long-standing example of the kind of participation that really does pay handsome rewards in terms of the final product, and the product is occupational health and safety in mines in that case. That has been a growing bond, a growing partnership, and only this year, after I am not sure how many years of existence, perhaps 10 years of existence, has it evolved to the point where, rather than having a voting chair, they now have a nonvoting chair.

My point was that this is an evolutionary process in many respects. As one tries to find one's way through these sometimes stormy waters, one needs to be as aware of evolution as revolution.

Mr Dietsch: I do have some others, but with all due respect to time, Mr Chairman, I will forgo those at this point because I know my colleague has some questions.

The Chair: I know you have not had the floor very long, and tomorrow the minister is coming in at five, so we will not have a lot of time tomorrow either to go through the bill. Mr Riddell.

Mr Fleet: On a point of order, Mr Chairman: Mr Mackenzie indicated he wanted to ask a supplementary question, and assuming it is really a supplementary question as opposed to a debating point, I would be game to have him ask it, if Mr Riddell would not mind.

Mr Mackenzie: I was asking if he would accept a supplementary while he was asking his question.

Mr Dietsch: I am sorry. I did not hear you.

The Chair: Go ahead.

Mr Mackenzie: The supplementary is simply on the very topic that he was raising. I am not even sure myself whether we have used the term "negotiate" or not, but the point I want to get back to is that we have had a fairly long period of time, which is what was being discussed, where the ministry, management and the unions were discussing what they could come up with as the next step forward, which was obvious to everybody was necessary. While there was not unanimity on that and there was disagreement, as I understand it from one or two of the management people—I also did not sit there—was it not factual that in effect they did reach a pretty useful consensus, which resulted in the original bill that Mr Sorbara brought in?

Mr Millard: Not with respect to some of the recipe and the implementing techniques, such as the mechanism to stop dangerous work. I mean, we simply told the parties: "Look, this is our initiative. We can't expect you to be able to find agreement on this subject."

Mr Mackenzie: What about the bipartite approach?

Mr Millard: Bipartite approach, certainly in terms of the partnership, and probably from the outset, Mr Mackenzie, there were a couple of models being discussed: one that had co-chairs and one that had a chair and executive vice-chairs. I mean, right from the outset, these were and these are the troublesome ones as we work our way through.

Mr Riddell: I will be very brief. I want to go back to the composition of the Workplace Health and Safety Agency. If indeed it was structured on a bipartite arrangement and the agency failed to reach a consensus in connection with its responsibilities, how is the stalemate broken?

Mr Millard: Stalemate could only be broken by virtue of a clause which says that where there is—and I am paraphrasing; I should be able to remember it word for word—a significant public interest at stake and the agency is unable to fulfil its mandate, the minister may take whatever action is necessary to protect the public interest; something to that effect. So that is the only mechanism that would exist.

Mr Riddell: It is your feeling that by having a neutral chairman, it is highly unlikely that a consensus could not be reached?

Mr Millard: I think we would like the committee to consider that premise. When you are looking at a brand-new agency, a brand-new set of responsibilities, perhaps cutting-edge stuff in terms of what will happen in this province as we become more competitive and the need to be more competitive and find new ways to organize ourselves in the workplace, we are asking the committee to consider whether or not that neutral chair would not stand a greater chance of facilitating consensus between the two parties, yes.

Mr Riddell: Give me an example of a neutral chair. Would a neutral chair be, say, a medical doctor in his own private practice or a farmer who is farming his own business, completely independent of any labour on his farm other than what he is providing himself? What is an example of a neutral chair? Obviously, it cannot be somebody connected with labour and it cannot be somebody connected with management, is that right?

Mr Millard: I think it is someone in whom the two parties have sufficient faith and trust and they are—

Mr Mackenzie: Why is it always labour first?

Mr Millard: The two parties have sufficient trust in that person's knowledge and expertise to be able to steer them through their processes.

We have a person who actually is with the Ministry of Labour who is perceived to be a neutral chairman for the Mining Legislative Review Committee. That person is not with the occupational health and safety division, that person is with the mediation and conciliation service, but that person is seen by them as neutral and somebody who, by virtue of his previous work experience, has significant knowledge about mining health and safety. So they see that person as neutral.

Mr Riddell: Could somebody help me to understand the fear that my good friend Bob Mackenzie has then about having an agency with a neutral chair? What is the down side?

The Chair: You are not asking Mr Millard that, are you?

Mr Riddell: I do not care who answers it, I just want somebody to help me to understand wherein lies the fear.

Mr Mackenzie: Let some of our colleagues answer that for you, Jack.

The Chair: I do not think it is fair to ask Mr. Millard that question. He has maintained a very good source link from both sides of the table and I think he should stay that way. Any other comments before we move on?

Interjections.

Mr Riddell: For once Mackenzie is stuck for words.

Mr Mackenzie: I am not stuck. I am very clear in my mind.

The Chair: Is the committee ready to move on to Dr Shulman's presentation? Okay. Dr Shulman?

1720

Dr Shulman: What I propose to do is to outline some of the documents and some of the material that I think we can anticipate will be referred to and needs to be referred to once the committee begins its hearings and its consideration of the bill and the act and considerations for change.

At the minister's request, we have provided a binder of material, which I think everyone has. It is recognized by the black binder in which the material is located.

Some of the material in there is pretty self-explanatory. For example, tab 3 is a summary of amendments, a one-page listing of major changes to the act contained in the bill. I do not think there is any need to have any further explanation of what is constituted there. On the other hand, there are some other pieces of material which I think it might be helpful to go through. The first of those and the most important of them is the very first tab, which is a copy of the bill itself.

One of the difficulties created in trying to understand the bill is that as you go through it, you will find that it refers first to sections of the bill and each of those sections of the bill references a section in the act, the existing legislation which it proposes to change. As a consequence of that, it makes it pretty difficult reading.

What I would propose to do first of all is to try to outline the key features or the key factors of change, the amendments that are of significance in the bill, and to organize that according to what you have been hearing a good deal about, both from the minister and from Mr Millard over the last couple of sessions, because most of the important issues that you will hear about in the course of your hearings relate to a rather limited number of sections of the bill which propose significant kinds of changes.

I think we can usefully organize the changes in the bill under three general kinds of headings: First of all, there are a set of fairly important amendments to the act which promote the principles that underlie this joint approach to health and safety that you have been hearing about; second, there are some changes to the act which allow the ministry to administer and enforce the act more effectively; and third, there is a kind of residual category of miscellaneous, many of them housekeeping kinds of changes, which for the most part are less important and of less significance and will be referred to considerably less in the hearings that lie ahead of you, with one or two exceptions.

I propose to be relatively brief but to spend our time in a kind of descending order, spending most of it on that first category, a little less on the second category and very little on that residual and housekeeping category.

Turning first to the changes that involve the principles of a joint approach to health and safety, the first of those principles, and perhaps the most important one, as you have heard, is the partnership or the participation of the two partners, the stakeholders in this, workers and

employers. What the bill proposes to do is to promote this partnership at a variety of levels.

The first of those levels is a shop floor level, which is perhaps the most important. For the last 10 years now there have been joint health and safety committees existing in about 30,000 workplaces across the province. The bill proposes to extend that coverage to approximately another 20,000 workplaces, to raise the total number to about 50,000 workplaces.

The way it would do that, which is found in section 4 of the bill, is to modify the the appropriate section of the act, which now contains a number of exclusions, such that the exclusion that now exists for places like retail outlets, offices and construction projects would be removed, for the most part. It would mean that those types of places, including construction projects with 20 or more workers, would now be covered for the first time. That would provide a structure for allowing this kind of partnership to operate at the shop floor.

The second type of partnership that it promotes is at a province-wide level, and this is with reference to the Workplace Health and Safety Agency, which has been discussed already. It would establish that agency as an agency operated by a board of directors on which sit representatives of employers and of workers.

In section 6 of the bill you will find a number of subsections which set out the structure and a number of functions of that agency. I think it is important to note in this context that at second reading the minister did propose some changes to the structure of the agency, particularly the neutral chair and the total of four health and safety professionals, which have already been discussed to some degree. As will be clear from his comments at the time of second reading, his proposal suggests these would increase the efficiency and the efficacy of the agency. the efficacy of the agency.

Finally, at a third level, the sectorial level, there is a proposal in section 6 of the bill to move the existing safety associations, with one exception, that being the Farm Safety Association, from the aegis of the Workers' Compensation Board over to the aegis of the agency, and that those safety associations and the workers' centre become reflective of this partnership we are talking about by becoming jointly directed in all those cases.

I would also mention that in addition to these committees that would be required in an additional 20,000 workplaces, there are cases of workplaces that have fewer than 20 workers but

still have a significant number, in this case more than five, where the bill would require a health and safety representative. The notion is that in workplaces of this size they are too small to really permit a full-blown committee. However, in these cases the presence of a worker who has been designated as the health and safety representative would add considerably. The responsibilities or functions of that representative are, for the most part, very similar and parallel to those of the health and safety committee. The functions of those representatives are found in section 3 of the bill.

We have in section 3 the health and safety representative, in section 4 the joint health and safety committee for slightly larger workplaces and in section 6 of the bill an outline of the structures and functions of the proposed agency.

The second piece of this first category of amendments that deal with the joint partnership and joint approach to health and safety is, I guess, the second most important ingredient, which is the support for this partnership or participation through training.

What lies at the basis of this is the view—this is a view that was expressed by a great many people who participated in the consultations, both on the labour side and on the employer side—that effective participation can only be effective if the people participating are knowledgeable in the area of health and safety.

The creation of an agency that would be dedicated to training is one important step, in the view of the bill, that would provide a real incremental step forward in the importance attached to health and safety training, but the focal point without any question is in requiring for the first time that people who are members of committees—this applies only to health and safety committees, not to the health and safety representatives in the smaller workplaces, only in those places that require a committee by virtue of having 20 or more workers. These committees would for the first time require a certain standard of training on the part, initially at least, of one representative from the employer's side and one representative from the workers' side.

That designation we have referred to as "certification" and that certification would come when these people have acquired enough training and enough knowledge to reach that standard. With the certification would come a particular status. The designation or standard that would be required would be set by the agency.

The third element of this first category of changes is providing for appropriate authority for those people who have the knowledge and training, and the most important aspect of that is the responsibilities given to the certified member of a joint health and safety committee.

The responsibilities given to those members and to the joint health and safety committee are rather considerable. Those are outlined primarily in section 4 of the bill, for example, the empowerment of the committee to make recommendations to the employer and the requirement for the employer to respond in writing to those recommendations and to do so within a specific time limit, in this case 30 days.

This section of the bill also would give the authority to the committee to be consulted on, to be present for and to receive results from various kinds of tests for chemicals in the workplace, for equipment that was being used and so on. The committee would also have the right to receive information related to health and safety in any reports that were prepared for the employer related to that workplace. As I mentioned, these are contained in section 4 of the bill.

I guess I should also refer to the fact that one of the proposals for empowerment or authority for a certified member is to be authorized to stop work that endangers workers in very specific kinds of circumstances, including the contravention of the act or its regulations, a serious hazard being involved, the situation being one in which any delay in dealing with that danger would be seen to add to the danger to the worker or workers involved.

That whole issue of that particular power for certified members is one which, as the minister said at the time of second reading, has been the most controversial and one which the minister has referred for careful review by this committee. In that context perhaps that is about all that needs to be said about it at this stage.

The second category of changes that are included in the bill are those that go to providing more effective administration and enforcement. The first of these is to provide additional powers to the ministry's inspectors. These include, first of all, allowing them to require tests, for example, of equipment used in a workplace. For the first time an inspector could go into a workplace, see some piece of equipment or something of that sort which in his or her opinion required testing by the appropriate expert, and he or she could then require that the employer have those tests done at the employer's expense.

The inspector would also be authorized to seize documents as evidence as part of a prosecution for a perceived contravention of the act. The inspector would also be able to require a variation in the frequency of inspections. These changes to the inspector's powers are contained primarily in sections 23 and 24 of the bill.

The second important increase in the administration, particularly in enforcement, is the increase in the maximum fine for corporations from the current level of \$25,000 to a new maximum of \$500,000. This is contained in section 29 of the bill.

A third type of change to provide for more effective administration can essentially be seen as changes related to duty of care, and first of all, a duty of care placed on the employer by requiring him or her to establish a written health and safety policy. This is contained in section 9 of the bill.

I would also note that there is a proposal to exempt workplaces with five or fewer workers from having to provide a written health and safety policy. The reason for that proposed exemption is the view that in a workplace of that size, where you have five or fewer workers, it is such a small and closely knit workplace that one does not need to have a written policy. The policy will be very clear because all four or five people who are working together, including the employer, will be in such regular contact that the policies will be clearly known to the people who work in that workplace.

A second change in this rubric of duty of care is a duty of care for officers and directors of a company by placing on them a specific duty for reasonable care. That is contained in section 14 of the bill.

In section 13 of the bill there is a requirement on architects and engineers in approving equipment, etc. They must take appropriate professional care because they will be accountable should an approval that they give to equipment or a project result in injury to a worker.

The final category of type of change found in the bill is the residual category, which includes a variety of kinds of housekeeping changes. Most of these have not been and I think will not be of particular note, but there is at least one exception to that.

One change that was introduced as a housekeeping feature has had some considerable comment and that is the addition of work activity to the grounds on which a worker can refuse to work. The intention here, as you have heard, was to add to what is now in the act, that being

specific physical conditions such as the nature of the equipment or machinery a worker is working with.

The situation is that a great many accidents that result in compensation claims are accidents that occur because of a requirement to lift an object, in some cases a heavy object but not always its sheer weight; it could be its shape or the place from which it has to be lifted and to which it has to be lifted.

We had been advised through legal interpretation that because of the wording of the existing act, a work activity such as lifting would not be necessarily seen as being covered by the wording in the act. The intention of adding work activity was specifically to allow inspectors, in their judgement and in the circumstances that obtain in workplaces, to include very specifically those kinds of activities such as lifting an object from one place to another.

While the intent was sheer housekeeping to make sure that the act said what we had thought it said, this has been interpreted in some cases as involving some kind of withdrawal of existing rights. That certainly is not the intention. The intention was simply to ensure the act said what we had thought originally it did say.

Those are the main sections of the bill and what they say. I think that while you may have questions about that, if I may, given the time, I would like to refer just briefly to some of the other pieces of material you will have in the binders.

Tab 2 in the binder is a background paper that outlines the principles on which the bill was structured. Those principles are laid out in that document and include things such as the importance of a partnership, the importance of good training for that partnership, the appropriateness of putting authority with ability and the necessity for accountability as well. The value of the background paper under tab 2 is to provide a kind of outline of the thoughts, principles and tenets that are really the foundation of the bill.

1740

Tab 3, as I have already mentioned, I think needs no explanation. It is simply a one-page listing of some of the major amendments in the bill. Tab 4 is a set of explanatory notes that gives a somewhat more elaborate explanation of some main aspects of the amendments. Tab 5 is a list of concerns that have been raised at some of the consultation meetings. Tab 6 provides a copy of remarks made by the minister, his opening statement, for example, at the time of second

reading. Under tab 7 there is some background material on the proposed changes to Bill 208.

The final tab, tab 8, is one I think it would be useful to spend just a minute or two on. I think this because it can be confusing at times to have on the one hand an existing piece of legislation, which is the Occupational Health and Safety Act, and second, Bill 208, which is a document that proposes amendments to that act and then on top of that some proposals for amendments that have been made by the minister which propose to make changes to Bill 208, which in turn proposes to amend the act.

What the chart under tab 8 provides is, in the first column, the content of the current act, under the second column, the content of Bill 208 where it relates to that portion of the act and then in those relatively few cases where there is a proposal to modify Bill 208, an entry in that column against it where there is some change to the bill being proposed. Reviewing that may be a very useful thing in keeping those three distinct but sometimes easy to confuse pieces of documentation separate.

The Chair: Dr Shulman, I appreciate, as do other members of the committee, the way you have organized your remarks and the material. That is going to be helpful to the committee. We appreciate that. There are a couple of people who have indicated an interest. Before we get on to that, tomorrow, Mr Millard, I gather you are more or less quarterbacking the presentation.

Mr Millard: I will be.

The Chair: Was it your intention to have Mr Clarke, an old friend of the committee as well, make some remarks and Mr Evans and Ms Slupinski?

Mr Millard: We simply had intended to have those very knowledgeable people here as support people in the very likely event that I should stumble at any given time. They would prop me up.

The Chair: Oh, I see. The people who really know the bill.

Mr Millard: That is right. I will allow you that, Mr Chairman.

The Chair: Thank you. I just wanted to know for the scheduling purposes; that is all.

Mr Millard: I might add just on that point that in fact, in terms of our being able to set out the bill for you, I think it sets it out in a way that we hope gives you an understanding of the why and what is in the bill, but we wanted to seek direction from you with respect to what would be helpful for the committee for tomorrow.

The Chair: I do not know what the committee still wants to hear about. Just in general, though, from serving on committees for many years, I have always felt very strongly that when there is briefing before we head out for public hearings, it makes a better set of public hearings for members because of the time problems of getting into the intricacies of a bill and so forth, so it is helpful. I do not know. Perhaps by the end of the day we can see if members want to continue an exchange with you and your experts tomorrow or not.

Mr Riddell: I think we have pretty well have covered the waterfront. What are we going to be doing tomorrow?

The Chair: At five the minister is coming in. It depends whether or not the committee wants further exchanges with Mr Millard and his crew or whether you simply want to have an hour with the minister. That was agreed to by the committee on Monday.

Mrs Marland: I apologize that I am joining the committee at this time. As you know, I was speaking to two bills in the House. It is tough trying to amend the government's questionable legislation and serve my duty in committee as well.

I am very interested in Bill 208. I am sorry, Mr Shulman, that I missed your presentation, if this overview package that I have was yours this afternoon. I will, however, read it. Has the overview by yourself been the entire presentation this afternoon?

Dr Shulman: The overview was Mr Millard's and then there is a second document that includes an outline of the bill.

Mrs Marland: All right. So these are the two presentations I missed?

Dr Shulman: Yes.

Mrs Marland: Then I apologize to you, Mr Millard, also. However, I will read them.

Could I just be brought up to date on the clarification of the request that was made about what happened with Bill 162 and whether or not Mr Sorbara tabled the amendments before we hit the high roads of the province to conduct public hearings. That question was the question I had raised at Monday's meeting.

The Chair: Could we have the clerk deal with that.

Clerk of the Committee: At the beginning of the meeting, I indicated that the minister, Mr Sorbara at that time, on Bill 162 did not table anything with the committee until the first day of clause-by-clause with regard to amendments.

Mrs Marland: Then did he in his presentation to committee identify what the areas were he would be amending?

Clerk of the Committee: He tabled the amendments at the time he spoke to the committee, and spoke to the bill and the amendments on the very first day of clause-by-clause. He had also spoken in the House on proposed amendments at second reading of the bill. I think that is what committee members continually referred to as "amendments."

Mrs Marland: That is probably exactly right. I knew I recalled that he had addressed what his proposed amendments would have been to Bill 162. My recollection was just wrong on where he had done it. So he had done it in the House. If the previous minister addressed what his amendments to the legislation would be in a statement in the House, then I suppose what we have to ask the current minister is if he would be willing to do the same thing on Bill 208.

Frankly, I do not mind whether he makes it as a statement in the House or does it here, but at least it equips us and the deputations that will be coming before us in the next six weeks with at least knowledge of the intent of the minister in terms of what those amendments are, so that people do not have to waste time and energy worrying about something that they may not have to worry about, that the minister is already willing to amend in the legislation.

The Chair: Mrs Marland, are you asking for more than the minister gave during second reading debate when he indicated his intention on amendments, without giving the amendments of course?

Mr Mackenzie: She wants to see the actual amendments.

The Chair: Is that what you are saying? Anyway, perhaps we cannot answer it here today, but tomorrow the minister is going to be here again. On Monday we asked for an hour of his time, so he will be in tomorrow. If we do not need from 3:30 to five to go through questions with Mr Millard and Mr Shulman and others, then we could ask the minister to come in early, perhaps around four o'clock, as long as we felt that half an hour would deal with the questions. That is really up to members of the committee. Mr MacKenzie, what do you think?

Mr Mackenzie: I think we could shorten the time.

The Chair: Half an hour, say, for Mr Millard and his people? How about you? Can you fit into that category too?

Mrs Marland: That would be fine with me.

The Chair: It would be nice to say to be able to say to the minister, "If you come here at four, we will be ready to deal with you." Is that fair?

Mrs Marland: I would also be totally flexible. If the minister's schedule has now filled in until five, I am quite happy to come here at five.

The Chair: Okay. We can find out about that and proceed.

Mr Millard: If I may interject, I have taken the opportunity to check the minister's schedule and I think things not having changed since his schedule book was filled this morning, he probably can be here at four o'clock tomorrow.

The Chair: Okay.

Mr Dietsch: My understanding is that the minister may be able to come in a little bit earlier, but he has some other commitments that he would like to be able to move up if he does come in earlier.

The Chair: Can we leave that with you then, Mr Millard, about having the minister come in at four? Is that all right with members? All right. Are there any other questions of Mr Millard or Mr Shulman now while they are here? Is it the wish of the committee to adjourn for the day now?

Mrs Marland: I think there is a vote in the House at a quarter to six, is there not?

The Chair: No, apparently there is not. I was under that impression as well. The clerk just checked and they said no. Mr Fleet, did you have a question?

Mr Fleet: Yes. Is there a proposed travel schedule?

The Chair: There certainly is. Before you get into that, is there anything for Mr Millard or Mr Shulman? No? Go ahead, Mr Fleet.

Mr Fleet: I am not sure how final this is in practical terms as opposed to when the committee stamps approval on it. I have one question relating to one date and that is a listing for 9 February. I am not sure what other committee members might prefer. I would have hoped that we would leave town, in this case it would be Windsor, on the Thursday night as opposed to the Friday morning.

Clerk of the Committee: The difficulty is that there is not a flight available.

Mr Fleet: How about a train?

Clerk of the Committee: You could leave the committee meeting early to catch an earlier

flight, but that would be the only thing. Unfortunately, out of Windsor flights are very limited.

Mr Fleet: This does point out the value of Via, for instance. I think all members would note that. I am wondering if there are some other variations to be looked at, either taking an earlier flight and altering our schedule that day or taking a train or something.

Clerk of the Committee: If you alter your schedule, you are going to cut it back. I can tell you that right now the response from Windsor is very, very extensive. You are going to need every minute you can grab in Windsor.

The Chair: I think Mr McGuigan indicated he thought there was a train that leaves Windsor around supertime that perhaps members could make.

Mr McGuigan: It goes through Chatham at 7:36 pm.

Clerk of the Committee: If individual members want to change their arrangements to do so, this is not ironclad. This is what we can get as a group.

Mr Fleet: I appreciate that.

Clerk of the Committee: You can change it according to your own schedules.

Mr Fleet: No, I appreciate that, but I suspect that other members might have similar interests.

The Chair: It is better to raise them now than in the middle of January.

Mrs Marland: I have not had an opportunity to go over this, not because my office does not have it; I just have not had an opportunity to do it. If I have some more questions, can I raise it tomorrow?

The Chair: Yes.

Mrs Marland: The one question I do have today is that I notice we have probably got at least half a dozen days on a bus.

The Chair: There have to be some perks to this job, Mrs Marland.

Mr Dietsch: That is right. Could I sit beside you, please?

Mrs Marland: We have been on buses in the past. I do not know necessarily with this committee, but we have been on buses in the past that were school bus equivalents; they just were not orange or yellow. I am just wondering what our budget permits us to have in the way of buses.

Mr Fleet: I think that is another promotion for Via we are hearing.

Clerk of the Committee: We will have Alice again.

Mrs Marland: Alice?

Clerk of the Committee: Alice, and the equivalent bus.

Mrs Marland: That is the one that we went to Penetang on?

Clerk of the Committee: No, the one we did this same route on last time.

Mrs Marland: That is the little bus with the hard school-bus-type seats, right?

Clerk of the Committee: I thought they were more comfortable than a school bus.

The Chair: We have got that bus—

Mr Dietsch: I guess the point is bring your own pillow.

The Chair: Alice is coming back at the insistence of Gordon Miller.

Mr Mackenzie: I would suggest that knowing the kind of schedule you are going to have, you leave it as is, and if individual members have to arrange an individual early departure or some other method of transportation, then they have to do it.

The Chair: It becomes very difficult to do otherwise actually.

Mr Miller: I am looking forward to going to Windsor. I want Bob to call me another funny name.

The Chair: I do recall that.

Mr Mackenzie: You asked for that one.

Mr Miller: No, never. I just expressed my view and you responded.

The Chair: Windsor does bring out the worst in Mackenzie. Are there any other comments before we adjourn?

Mr McGuigan: I raised the question of what sort of things were in the collective agreements with the auto workers, because I remember from the former committee there was a suggestion that the auto workers had a system whereby work could be shut down. We have the information on the mines. So that we do not have surprises, I brought that up. I am not sure whether we decided to take any action on it or not.

The Chair: We can check that out. We had a very quick response on our last request. The committee is adjourned until tomorrow afternoon at 3:30 pm.

The committee adjourned at 1755.

CONTENTS

Wednesday 13 December 1989

Occupational Health and Safety Statute Law Amendment Act, 1989	R-185
Adjournment	R-207

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Chair: Laughren, Floyd (Nickel Belt NDP)

Vice-Chair: Wildman, Bud (Algoma NDP)

Dietsch, Michael M. (St. Catharines-Brock L)

Fleet, David (High Park-Swansea L)

Lipsett, Ron (Grey L)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miller, Gordon I. (Norfolk L)

Pouliot, Gilles (Lake Nipigon NDP)

Riddell, Jack (Huron L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Substitutions:

Mackenzie, Bob (Hamilton East NDP) for Mr Pouliot

Reycraft, Douglas R. (Middlesex L) for Mr Lipsett

Clerk: Mellor, Lynn

Staff:

Fenson, Avrum, Research Officer, Legislative Research Service

Witnesses:

From the Ministry of Labour:

Millard, T. J., Assistant Deputy Minister, Occupational Health and Safety Division

Shulman, Dr Norm, Director, Policy and Regulations Branch, Occupational Health and Safety Division

CA20N
XC13
576



Ontario
Publications

No. R-11
No. R-12

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Resources Development

Occupational Health and Safety Statute Law Amendment Act, 1989
Organization
Temagami District Resources

Second Session, 34th Parliament

Thursday 14 December 1989
Monday 18 December 1989



Speaker: Honourable Hugh A. Edighoffer
Clerk of the House: Claude L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with a list of the members of the committee and other members and witnesses taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

NOTICE TO SUBSCRIBERS

Production of bound volumes of Hansard has been discontinued. Subscribers to the current session who wish to have a set bound at their own expense but who are missing some sittings may obtain complete sets or duplicate issues from the address shown at the bottom of the page.

However, beginning with the Third Session of the 34th Parliament on 13 March 1990, complete sets will not be available at the end of the year. Subscribers who plan to have sets bound are advised to retain their individual copies.

Also beginning 13 March 1990, the page size will be increased to $8\frac{1}{2} \times 11$ inches from the present $6\frac{1}{2} \times 9\frac{1}{2}$. Because all committee sittings now are being formally printed, separate subscriptions are required for sittings of the House and sittings of the committees. Separate indexes also will be published for the House and the committees. Beginning with the index for the Third Session, they will be annual rather than sessional as at present.

Subscription information may be obtained from: Sessional Subscription Service, Information Services Branch, Ministry of Government Services, 5th Floor, 880 Bay Street, Toronto, M7A 1N8. Phone (416) 326-5310.

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Thursday 14 December 1989

The committee met at 1535 in committee room 1.

OCCUPATIONAL HEALTH AND SAFETY STATUTE LAW AMENDMENT ACT, 1989 (continued)

Consideration of Bill 208, An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act.

The Chair: The standing committee on resources development will now come to order as we pursue interests in Bill 208. Today, we have Mr Millard back with us from 3:30 pm to four and then the minister can be here from four to five. That was the general agreement of the committee yesterday as well, but he does have to leave at five, he tells me.

I will just remind members now that on Monday we finish the Temagami report. We only have 25 minutes or so. We actually have the report; it was done by Lorraine Luski. Please come to that meeting prepared to make some decisions, because we only have 25 minutes to do so. That is a friendly word for Monday afternoon at 3:30.

Also, finally you all have the travel itinerary for the Bill 208 hearings. If for some reason you are not going to be part of that travel as laid out in the schedule, let Lynn Mellor know. Otherwise we will proceed with the assumption that everyone is on each of those trips, for purchase of tickets and reservations and so forth. To be fair to our clerk, that should be done.

We should go ahead then, if there are no other comments, with Mr Millard. I think you had finished making your presentation. It was a case of there might be some comments and questions from members of the committee.

Mr McGuigan: A few months ago—I guess it was on the standing committee on finance and economic affairs—we had people in from one of the big automotive plants and they were very concerned that a worker would have the right to shut down an entire line. They could see the factory coming to a halt because someone might, I suppose, do so capriciously. I do not know whether they even considered, even in a very genuine case, whether or not a person should have the right to shut down an entire line.

Would it not be in actual practice, unless it was some sudden, precipitous thing—a machine broke or something very catastrophic happened—that through the joint health and safety committee making its inspections, they would probably have identified a troublesome area on that complete line and said, “Here is the troublesome area; something should be done about it”? So if in the end a worker inspector did shut that whole line down, the company would darn well deserve it.

There would have been talk within the shop. There is gossip in every shop and there is talk. It likely would have been pointed out to them that there was an area that should be corrected. Under this, where you have to have a response in 30 days and so on, if indeed it came to a stoppage, it would have been darn well deserved. That was the case I put back to the representatives of that motor company.

I just wonder, from your experience, and perhaps other members with experience working on sites could tell me, whether my assumptions are correct or not.

Mr Millard: I think you show a very good appreciation of what a good joint health and safety committee should do. That is exactly what a good joint health and safety committee should do. A knowledgeable joint health and safety committee should have the wherewithal to be able to identify concerns before they really do become hazards and have them resolved before they become hazards.

More often than not when we, as the Ministry of Labour, are called in in one of these situations where there is substantial conflict with respect to what needs to be done in order to correct the situation, it has arisen as a result of a pretty poor process in the workplace in terms of the concerns being identified and then having the employer respond to those concerns from the joint health and safety committee in a way that the joint health and safety committee knows that its concerns first of all have been heard and that their concerns are going to be addressed in a timely fashion.

If there is the sense that one is speaking into a vacuum and expressing the same concerns repeatedly, then more often than not, as I say, that is where the kind of really controversial

situation arises which we, as the Ministry of Labour, are then called in to resolve. In most cases, both with refusals and with concerns expressed, the workplace parties are able to resolve those between themselves. None the less, there do arise occasions, situations that could not have been predicted.

We talked about some of those situations in mines where the ability to predict a loose ground situation sometimes is very difficult. Despite the best technology in place in the workplace and despite the best efforts of the workers, you may encounter a loose ground situation that was not predictable. So that kind of operation has to be stopped immediately and the workers have to be able to exercise that kind of discretion.

If you look at the auto manufacturer situation, it is quite conceivable that if one of those situations arise where there is a serious risk to a worker and any delay in controlling that risk would result in the stoppage of dangerous work, that can in fact lead to the loss of production on that entire line if the activity or the piece of machinery that we are talking about is an integral part of that processing line. So that entire line could be shut down.

Our experience, our observation, is that those kinds of authority are handled quite responsibly by the parties. As I say, the situations where the two parties are not able to resolve the concerns and address them are certainly much fewer than the number that one would, I think, suspect when you hear about the supposed level of conflict over these matters.

But that's all predicated on the fact that there are knowledgeable people in that workplace. If there are not people who understand health and safety risks, then they just do not have the capacity to make those kinds of identifications of hazards. That is the reason we stress the training as an integral part of this.

By and large, our observation and our experience is that where the parties are knowledgeable, understand the responsibilities and know that we are there to enforce that internal responsibility system, they are able to solve their problems without any major disruption in the workplace, with a great deal of authority being exercised by workers in those systems. As well, as you pointed out, our observation is that they are not used capriciously or frivolously.

Mr McGuigan: I have visited auto plants; I have obviously not worked in one. My experience with production lines has been fruit-packing lines, but based on that and based on observations that I have made in passing through

an auto plant, I think the most dangerous operations would be other than the line. I wonder if you have any observations or experiences. For instance, I think that a stamping machine or parts machine or lift trucks or things of that nature are probably more apt to be involved in accidents than the actual line is. So then a work stoppage, if my assumptions are correct, would not be on the line; it would be in some subsidiary part of the factory. I was just wondering if there are any comments on that.

Mr Millard: I am not able to comment from a personal observation point of view, but certainly I can in terms of administering a system that deals with the investigations of refusals at the present time.

Most of the refusals that we are called in to investigate—and let us recall and keep in mind that we are called in to investigate only those where the workplace parties are not able to resolve them themselves through the first stage of the work refusal investigation—do not involve more than one worker who has a concern about his particular work location. The danger is confined to that one location and does not have a downstream impact on the work of a number of other workers.

So our observation from the refusals point of view is that usually it is not a production line that leads to a dangerous work situation where a person has refused to work but more likely and more often than not, in our observation, it is those single work locations or a piece-of-machinery situation or where a person is exposed to a hazardous substance and believes it is likely to endanger him. Quite often that will involve more than one person. But once again, that is not in a production line context. That is the fact that if it is a hazardous substance that employees believe has escaped and is endangering them just by virtue of the fact that it will be breathed in, then more than one worker is likely to be affected by that. But, by and large, the refusals are a single person who has refused based on his concern that his health or safety is endangered.

Mr McGuigan: I appreciate those answers. That is a conclusion I had reached, but I think the ones that we have to get to are those people in business for whom, I guess, there is always a fear of the unknown. It is not very likely that their plant and their whole operation is going to be shut down. Certainly it is not impossible, and if the situation demands it that is what should be done.

Mr Mackenzie: I am not sure you can define the workplace health and safety threat on the

basis of whether it is or is not a production line alone.

Mr McGuigan: I was not trying to do that.

Mr Mackenzie: One of the more obvious cases in recent years, I guess, is the McDonnell Douglas problem in Toronto where you had better than 3,000 workers finally walk out over what they perceived as an inability to get action. That affected all of the assembly lines, but it was on the basis of aluminum dust and a number of chemicals and contaminants.

The other thing that can affect individuals, but also can affect an entire plant, is a concern—a concern as far as I am concerned, because I have seen the actual results on individuals—with the problem of isocyanates, which seem to react differently in different time frames with different workers. If you have improper ventilation it can hit either just the department the workers are working in or it can travel through the entire plant, depending on the kind of air system they have in the operation. So it is a little broader than that.

Mr McGuigan: I would agree with you on that. I was not addressing that part of it.

1550

Mr Mackenzie: No. I was curious on two things. I wanted to really ask the minister, but I want to go to the assistant deputy again as well on them. One is the comments, which the minister made, that we will have the finest health and safety legislation—I am not sure just what his exuberant words covered—in the world or North America or what have you. If this is the case, I want to ask specifically about why we have not taken a harder look at the right to refuse in the public sector as well.

My information is that it is not a situation that has been abused in Manitoba, and that is a jurisdiction where they have it. If this legislation is so good and the minister really wants to set world-class standards, why have we not moved in the public sector area as well? We seem to be falling behind at least one of the Canadian provinces in that area.

The Chair: Presumably you can give an answer that fits within the ambit of your responsibilities.

Mr Millard: I hope that I can, Mr Chairman.

Mr MacKenzie will know that we made reference to that the other day in terms of, first of all, my need to clarify that some persons at the present time are excluded and exempted from the right to refuse dangerous work. To characterize that as the public sector, I am afraid, is an

overcharacterization. There are a number of us in the public sector who do have the right to refuse dangerous work.

There are those where a significant public health and safety interest is at stake. We try to find mechanisms to avoid dangerous work other than through the right to refuse. Those exemptions are around police officers, fire fighters, correctional guards and some health care workers where the health of a patient may be endangered through the exercise of the right to refuse. So those are the people at the present time who, under the Occupational Health and Safety Act, are exempted from the right to refuse dangerous work.

We have looked and given careful consideration to that provision of the Act. Mr MacKenzie will recall that in response to a question—I believe it was in Monday's committee deliberation—we talked about some work that we had recently done with the representatives of the Ontario Public Service Employees Union and the Ministry of Correctional Services as relates to the concern of correctional officers for health and safety. We will be working with them, as per an agreement worked out between the Ministry of Correctional Services and the correctional guards, on a procedure whereby their concerns for their health and safety can be dealt with in an expeditious fashion without their exercising the right to refuse that dangerous work, thus creating what, in the public policymaker's point of view, is an area where significant public health and interest are at stake if the right to refuse is exercised.

We have looked at that. We are aware of the Manitoba experience and, at this time, think that we will be able to develop procedural ways to allow those people to have their concerns resolved in an expeditious fashion without exercising the right to refuse. We have established two separate formal committees, one for the firefighters and one for the police, where both management and the bargaining unit are represented in developing the kinds of techniques, the kinds of regulations, the kinds of personal protective equipment that are required in those areas to suit their particular and specific needs.

So we have very clearly taken a different tack in those few instances where those people are excluded and exempted from the right to refuse, a specific tack to make sure that their concerns can be addressed in an expeditious fashion without refusing to do that work which, by its very nature, is often dangerous if you are doing police work or firefighting work.

Mr Mackenzie: Did you have any evidence at all, or did you ask for any evidence, as to whether there had been misuse of the legislation in Manitoba?

Mr Millard: Manitoba authorities advise us that they do not believe the authority has been abused, and let me hasten to add that our concern is not one of abuse. Our concern is finding reasonable ways to expeditiously resolve and correct their health and safety concerns so that in those situations they do not have to refuse in order to get their health and safety concerns addressed. So our concern is not one of their abusing the authority, Mr Mackenzie.

Miss Martel: What if they have no choice? We all hope that we can resolve health and safety problems in all sectors, private and public, whatever the occupation, without having to resort to the right to refuse, but the bottom line you get into is that some of those are just not resolved and so the worker is faced with no choice but to do that.

If in the case of Manitoba there has not been an abuse, as far you can determine with your discussions with that authority, I do not see why we would not put that same right into place for those particular workers. We are all interested in ensuring that we do not get to that stage, but sometimes we do, and it happens across sectors. So why would we not want to give all workers that kind of right?

Mr Millard: As I say, I think we have been able, in these cases, to involve both of the parties in a way that does allow them to address their concerns without their having to exercise the right to refuse where the larger public interest is. If that person refuses to do his work, what are the public interest health and safety implications of that? So we have tried to devise other mechanisms that are equally as effective.

Mr Mackenzie: The assistant deputy will know that I asked this question particularly because some of the strongest opposition to Bill 208 has come from public sector unions, and that was prior to the announced amendments and changes that the minister was bringing in. There is some real concern out there in the public sector. If we are, as the minister said on Monday, bringing in world-class legislation, why have we not done more in terms of the public sector?

The Chair: The minister will be with us in a couple of minutes. Any other questions of Mr Millard or Dr Shulman? It is up to you. The minister is here now.

Mr Dietsch: Mr Chairman, I do not have any further questions of Dr Shulman or Mr Millard, but I do of the researcher who presented us with this report yesterday. I want to get clarification. I went over this document as closely as I could.

The Chair: The worker safety inspector provisions?

Mr Dietsch: Yes. Out of the three areas that you outlined, locals 5417, 5762 and 6500, I only came up with appendix C as having an outline with respect to an indication of a stop-work process, or not even of a process but the fact that there would be a direction for stop-work. Am I correct in that? Did I miss anything?

Mr Fenson: No. My information was that the procedures were not reduced to writing and that there was no written outline. That is what I was told. I will look into it further.

Mr Dietsch: I scanned it very, very closely looking for some kind of a process and I did not find it.

Mr Fenson: Yes, you are right. I am sorry.

The Chair: All right. Can we move then to have a discussion with Mr Phillips, the minister? Welcome back to the committee, Minister. Dr Shulman and Mr Millard are welcome to stay as well.

Hon Mr Phillips: I guess the best way to proceed—as I indicated, I would be happy to come back at your pleasure, and that is now—is to perhaps answer any questions that may have come up over the last couple of days. I moved someone whom I was supposed to see at four o'clock to five o'clock, so I have someone at five o'clock. If that is acceptable to the committee, I set aside an hour.

1600

The Chair: That is appropriate, yes. It is understood among the committee members.

Mr Mackenzie: Minister, I want to go back to a comment you made to us when we were dealing with the right to refuse. We do not have a Hansard yet before us, but your research and your careful checking have not been able to produce any information—or you may have used the words “contract”; I am not sure—that contained the right to refuse. That was immediately challenged by my colleague the member for Algoma (Mr Wildman), myself and others, that in fact that right did exist, at least in the uranium mines and at Inco. I think the evidence we have clearly indicates that is the case.

I am sure the minister knows by now at least that there has never been any doubt in terms of

the unions and the companies involved. That right did exist in the letter of intent at Inco, Rio Algom and Denison Mines. I am just wondering why your research did not include those particular large and important contracts and why you were telling us that you had done careful research and not been able to come up with any examples.

Hon Mr Phillips: Actually, I think what I said, at least from Hansard, was that, "I honestly cannot find an example in a collective agreement where it does exist." I said: "They may exist. I keep looking for it." As I mentioned, I think I had raised it in Sudbury and asked for help in terms of finding it. I guess there are, in the province, 8,000 collective agreements in total and I had been unable to find a collective agreement that contains it.

I gather now that we have found one that does. It is, I guess, an appendix to a collective agreement, not the Inco agreement, though, is it? Correct me if I am wrong, but I do not think the Inco agreement does contain that. It is an agreement in Denison and it is an appendix. It is the job description, I guess, and there is a form of work stoppage in there, although it is not totally clear.

It does not change my overall comment, though, and that was that as I looked across the workplaces in Ontario I was unable, and our research was unable, to find a collective agreement. Out of the 8,000 collective agreements we now have one that has a partial right to stop work in it. My point was, should we be moving in legislation to establish that right in thousands and thousands of workplaces if, in the collective bargaining process, that has not proven to be the solution that the two parties have moved to through collective bargaining?

I appreciate the document although it is still an appendix to a collective agreement and it has a form—

Mr Mackenzie: That happens often, Minister. You know that you will get an appendix to a collective agreement; it is still considered part of the agreement.

Hon Mr Phillips: Yes, but it does not change the point.

Mr Mackenzie: There is no question at all on that.

Hon Mr Phillips: Of the 8,000 collective agreements in all the workplaces in Ontario, we may have one. Maybe there are others; I keep looking for them. We have now found one, but in the thousands and thousands of other workplaces it does not exist. Do we want to, in legislation,

move from its existing in one or two? As I say, with 8,000 collective bargaining agreements where the two parties have tried to find the right solution in safety, presumably they have concluded that perhaps there is another approach to this than the one that is being proposed in the right to stop work.

That was my point, and as I fully acknowledged, I asked for help in this area to help find collective agreements. We now have one, but it is one out of 8,000. Just for the committee's thinking on this, do you want to move from, as I say, its existing in one workplace to existing—is that going to be the best approach?

If you believe in collective bargaining as perhaps one way that demonstrates—not the only way, by the way, because I am not sure that safety necessarily has been one of those areas that the parties have felt they wanted primarily put in the collective agreement. But as I say, I am looking for language where it does exist. I do not think there are but a handful. We now have one out of 8,000.

Mr Mackenzie: So you are saying you do not accept that this right is not in fact the practice at Denison or at Inco?

Hon Mr Phillips: To go back to my experience in Inco, I think they have worked out a procedure over time, but as the group said to me when I was there, that is a relationship they have developed between themselves and that safety representative. But it would not be a right that they would put into an agreement, or would put into perpetuity.

Mr Mackenzie: Minister, you said that you had researched carefully and were unable to come up with the evidence. It seems to me that Inco, Rio Algom, Denison—and the wording is very clear in the Rio Algom information that we have here—large locals, very much involved in the health and safety area, would have been some of the first examples that you would have come across. Did you just reject these as potential right-to-refuse areas, were you not aware of them or were you not informed of them?

Hon Mr Phillips: Let's be very clear: Inco does not have that right in the agreement. Let's be clear here: it does not.

Mr Mackenzie: We will have a chance to talk to people who will be involved in the workforce needs.

Hon Mr Phillips: Yes.

Mr Mackenzie: But that does not answer my question. Were you aware of the letter of intent, whether you say it does or does not have that

right, and of the information on both Rio Algom and Denison?

Hon Mr Phillips: It does not change at all the point I made before the committee on Monday. What I said then was that of all the collective agreements, and there are 8,000 collective agreements in the province, I was not able to find any.

As you know, Mr Chairman, I said back in August or September, "If you can find some, send them to me because I would like to find them." We now have one out of 8,000. Even if you read it carefully, as I have done, it does not indicate what happens if, at the end of the process, the employer, on examining the situation, concludes that it is now safe to go back into that and there is a disagreement. That is not clear in the document here.

So it does not change at all the point I was trying to make on Monday. The point I did make on Monday is, do we want to move as a Legislature from having that right in perhaps one, two, three, four or five workplaces to all of the workplaces where we have joint health and safety committees or do we want to find another solution?

Mr Mackenzie: I hate to keep at this, but there is at least another step to it as well. These were considered major gains, and it is the practice that is now in place in these large locals. That kind of right to refuse, which they consider they have and is clearly being exercised, is a major area in terms of the right to refuse. You told us you had not been able to come up with any examples. I think there is a play on words here.

My information is that your staff did ask Ontario Federation of Labour officials whether or not they had any information. The Rio Algom, the Denison, the Inco information and foreign information, including the right to refuse in Sweden and in the state of Victoria in Australia, was turned over to your staff.

I do not know whether you did not know that or did not consider this counted, but I am simply saying that unless you did not know it I think this committee was misled.

Hon Mr Phillips: Let me be very clear: Read the words. Do not accuse me of misleading until you read the words. I said: "I honestly cannot find an example in a collective agreement where it does exist. They may exist. I keep looking for it. I think I raised it with you once in Sudbury, Mr Chairman, just to see where there are examples where it exists currently in a collective agreement, to get an idea."

I have not seen a collective agreement. This, the first one I have seen, is an appendix to a collective agreement. It is the first time I have seen it; one out of 8,000, and it is not exactly what was proposed in Bill 208. So I am not misleading the committee. Read the words.

Mr Mackenzie: So you are clearly telling us then this information, which was given to your ministry, was not passed on to you?

Hon Mr Phillips: As I say, I have not seen that. I will just go back to my words: "I have not seen it in a collective agreement." You keep saying it is in the Inco agreement and I say those are my words. Show me it. That is all.

Mr Dietsch: Mr Chairman, if I might, I asked the researcher specifically, before this session started, and the researcher indicated, as does the paper we were given. It is very clear in there, but Mr Mackenzie continues—

Mr Mackenzie: Mr Chairman, Mr Dietsch can take the floor. He is not answering for the minister, I think.

The Chair: Order, please. That is not the central issue. The central issue is whether or not that is considered to be part of the agreement. Back to you, Mr MacKenzie.

Mr Mackenzie: I am just wondering whether or not the information that I am told, and am prepared to document, was turned over to your people ever reached you.

1610

Hon Mr Phillips: As I have said, I have asked constantly for the wording in a collective agreement where this right exists and I have not seen it. This is the first time I have seen this agreement. I do not think I was aware this agreement existed until I saw this, but it does not change the basic point I make. As I said, there are 8,000 collective agreements in the province and it does not exist except perhaps in this one; and then it is not clear, by the way, who has the right to start up again. But that is another point. It does not change the exact point I made here in very specific terms on Monday.

Mr Mackenzie: I am utterly amazed that this information, in a case as important as this, and the precedent that was considered by the United Steelworkers of America as well and the right that is there, was not information that was made available to you or that you are aware of. Regardless of how you want to argue as to whether or not it is a contractual deal, it is a clear understanding in these locals.

Hon Mr Phillips: Well, sorry. I use the same language I used here, "I...cannot find an

example in a collective agreement." I think I raised it once in Sudbury. Get examples where it exists currently in a collective agreement. I think we have now uncovered one out of 8,000 where a portion of it does exist.

Miss Martel: I am worrying about what the minister is saying in terms of the point he was trying to make on Monday. I take it the basic point is that if, for example, we only have this in one collective agreement and we know for sure that we have it operating in two other places, not under the aegis of a collective agreement but at least letters of intent, out of thousands, somehow it is not a valid thing to hope for or a valid issue that we should raise here.

If you talked to the Inco steelworkers in particular, they would tell you that that was a major gain made by their bargaining committee, just as the establishment of worker representatives for the plant—the 12 of them—was a major gain. They would not give that up and they would fight like hell to hang on to it if the company ever moved even to remove the letter of intent.

Now, what I would say to you is that perhaps it is not in 8,000 other contracts. That could be a question of who you were bargaining with, whether the union was strong enough, whether the employers were some of the worst employers in this province and did not want to discuss it. You have to look at a whole unorganized sector in this province that will never get to bargain that into a collective agreement because it does not have a collective agreement or a union. Surely we should not be looking at the right to refuse on the basis of how many companies now have it and whether because they do not have it, it is valid or not.

Hon Mr Phillips: You and I probably agree on that point, which is that we are looking for what the best solution to this is. My only point is that in the organized sector, where there are 8,000 agreements, it is there in maybe one or two. Perhaps that tells us it should be in 8,000 but it just has not got there yet. Or does it say to us that maybe the parties have concluded there is a better solution to this? We could at least open our minds up to that possibility.

The point I was trying to make is, rather than jump to the solution which will impose it in all the workplaces when it exists in virtually none, does it say that maybe there is a better approach? That is my only point. If this is the best way to do it, whether it is in every collective agreement or no collective agreement does not really matter. What does is, what is the right thing to do?

But as I look around for examples that work, where are the organizations in which we have examples that work? I am just saying that I look at various pieces of evidence to give me some indication of where the best solutions to this are.

Mr Mackenzie: There is clear example that it works in these cases. I think you will find that from both the companies and the union.

I am still amazed that information which was passed on to your office outlining these as examples, as well as foreign examples, was not referred to you, or was obviously discounted, when you told us that your research had not been able to come up with any examples.

Hon Mr Phillips: Again, I went to Inco and I sat with the two groups and asked, "How does this work?" They said, "It works on the basis of a relationship between us and the union."

Miss Martel: Just before I leave that, it is just on the question that I raised—

The Chair: Then we will start circulating and come back to you, if you like.

Miss Martel: I just want to go back to this question, because I think the minister will know there have been some comments made, via the Ontario Federation of Labour, that if this is not part of this particular piece of legislation, it will in fact start to move to get it into collective agreements.

So we have a situation where it is not something that unions have not thought about. Perhaps they thought they were protected under the present Occupational Health and Safety Act, or perhaps their unions were not strong enough to make those kinds of major gains, but they will in fact start to move to that if this legislation does not provide it.

I would suggest that they are concerned about it. For their part, they do not believe whatever is in place now is protecting their people and they will move towards that. I think the ministry should consider that in fact you have got a group of people on one side out there that is going to do it one way or the other if this bill does not guarantee them.

Hon Mr Phillips: I think that is a valid comment. I think there is no question that the labour movement is extremely concerned about health and safety and I think it is fair to say that the approach that seems to work best is the partnership approach. I am hopeful that at the end of this exercise we will have a bill that the parties will believe does work. If we do not have a bill that the parties believe works, I think the labour

movement clearly will focus its attention on the collective bargaining process.

Mr Fleet: I do not have a question for the minister, but I do have a comment to make. I guess I really bit my tongue about some of the earlier comments that were made in this committee, although I thought that neither the language nor the process was altogether appropriate.

Mr Mackenzie: You can bite your tongue as far as I am concerned.

Mr Fleet: The gratuitous commentary from other corners is not helpful either.

I think it is worth noting that this is not a forum that is intended to be a process of cross-examination akin to a trial, nor an accusatory process. I must say that I found it very difficult to follow the purported persuasive force of argument when, clearly, the statements that have been made by the minister, and, I might add, on other occasions by others, were being characterized quite differently from what I understood them to be.

I guess the bottom line to it is that in the context of three contractual arrangements between employers and employees, in one instance there is a certain contractual right and in all three there appears to be a practice with understandings. I think that is to be appreciated and is helpful and to some extent insightful, but it is not necessarily a right. It is not necessarily that which perhaps Mr MacKenzie purports it to be, and I understand he may feel it very strongly, but certainly as a process, and I am commenting primarily here on process, I do not find it functional or useful in the least and I find it distinctly unpersuasive.

I know that the chairman was watching the language carefully, and in the language of the speaker earlier, it was very, very close to the line. I would hope, and I would invite all members, that we not get that close to the line at any stage in the hearings.

The Chair: I would like to comment briefly on your point of view. The fact is that the committee is an extension of the House, and while I would be very quick to protect a witness, either a civil servant—as a matter of fact, I guided Mr Millard gently yesterday on a question—or someone making a presentation to the committee in the public hearings part, the public, I do not think the minister needs my protection any more here than he would in the House during question period. I think it would be inappropriate for me to behave otherwise, because they are equals across the table. I would not think it appropriate to be very concerned about questioning that is very tough

with ministers. I think that is most appropriate, as long as the language is in keeping with parliamentary procedure.

Mr Fleet: I agree with that characterization. My point is that in the context of the House, as the saying goes, the language that we heard here would have been, in my view, very, very close to the line.

The Chair: Close to the line; that is correct.

Mr Fleet: I am just hopeful that we do not come that close at any stage, and certainly that we do not go over it at any stage.

The Chair: Okay. Any other questions of the minister?

1620

Miss Martel: I want to go to one of the changes that has appeared with the new amendments that were introduced in this session, if I might. It concerns the workers' rights to refuse dangerous work, which was dangerous work activity such as lifting unreasonably heavy loads, etc.

Originally that was guaranteed as one of the areas where workers could utilize the right to refuse. With the latest changes, the government has said that they will propose an amendment to committee to clarify that this right is directed at avoiding current or immediate dangers and long-term ergonomic concerns such as repetitive strain will be dealt with more thoroughly by joint health and safety committees.

I would like to ask the minister why the government has moved away from what would have been an explicit right to refuse dangerous work activities, repetitive strain, heavy lifting over a prolonged time, etc, to a situation where now, unless you have got an immediate or current danger, those long-term strains, etc, are not going to be considered as areas where you can exercise that right.

Hon Mr Phillips: I would characterize it more as clarifying what the original intent was. I will ask the staff to elaborate on this when I am finished, but when Bill 208 was originally proposed, we were attempting to extend the right to refuse unsafe work to include things like lifting heavy objects.

It was never the intent to extend the right to refuse unsafe work to include what I guess would be known in the jargon as ergonomic issues, repetitive issues. It was always the intent that that was something that would be best handled by the joint health and safety committee looking at it, because an issue like that is one of those issues that has to be dealt with and a solution found to it.

It would be dealt with by the joint health and safety committee looking at it and making its recommendations on the solution.

How I would characterize the amendments is to clarify what was the original intent of Bill 208, which was to expand the right to refuse unsafe work, to extend it to things like lifting heavy objects, but it was never the intent to expand the right to refuse unsafe work to extend it to ergonomic issues. As I say, those are best dealt with by the joint health and safety committees looking at it on a longer-term basis and finding a true solution to it.

I know that some have characterized it as a step backward from the original bill. I characterize it as a clarification. I do not know whether you care to add anything, Mr Millard. If I have interpreted it properly, tell me. If I have not, tell me that.

Mr Millard: I think that is exactly what I said to Mr MacKenzie yesterday. Our intent is to make sure that those concerns are addressed. We had discovered a deficiency in our existing law, in the Occupational Health and Safety Act, with respect to those work activities.

I think the example I cited is where someone is asked to carry reinforcing rod up the side of a building with the assistance of only a belly hook, only to find that our present act, the Occupational Health and Safety Act, does not allow for a person to refuse that kind of dangerous work because it restricts itself to the physical condition of the work environment, so we added the work activity with that kind of example in mind.

None of us is suggesting that long-term repetitive-strain injuries are not very important; they are. What we are suggesting is that there are much more efficient ways to address those through a long-term action plan and a solid action plan, to have those addressed and have whatever activities need to be changed in the way that work gets done to have that happen. That is our intent with respect to that.

Miss Martel: Might I continue for a second, Mr Chair?

The Chair: Yes.

Miss Martel: I guess I am going to call it as I see it and it is a step backwards. Let me tell you why I think it is.

Under the present proposition, people are not going to be allowed to exercise the right to refuse in regard to those kinds of things, repetitive strain, etc. It is supposed to be handled by the joint health and safety committee.

As I see it, the problem is that we have already had some cases arbitrated by the Ministry of

Labour where in fact people have exercised the right to refuse under those same circumstances.

I have one case in front of me that concerns a woman who was attending sets of machines around a particular workplace. She was asked to pick up cups from those machines and go to another place and lift them, and after a day of doing that she ended up going home early. When she was asked to do that again three days later for an unspecified period of time, she exercised her right to refuse, that that was dangerous for her. It had already caused her to be off work for a period of time, even after only doing it one day. She was upheld in that by the Ministry of Labour, which did say that this particular work was considered likely to endanger the worker, so her case was upheld.

My concern is that we have got cases on the books already where repetitive strain and work like that have been accepted and workers are allowed a right to refuse. It seems to me that your legislation is going to take that particular right away and make their rights far less effective than they are now.

Mr Millard: I think that in those few instances where that sort of thing has happened, and I do not dispute for a moment that it has, the hygienist, the technicians, the inspectors investigating have to make a determination of the likelihood to endanger in a shorter period of time, and through the repetition of that, what the likelihood is of a person being endangered, in their judgement. Thus, does refusal solve it? Can an order be written based on that refusal? In that case, they did find it likely to endanger. I think orders were subsequently written and redress came.

We are looking for that same sort of redress. Let me remind you that in any given situation we still have the authority and do exercise the authority to write orders irrespective of whether someone has refused. So if someone believes that he is not getting adequate redress through the joint health and safety committee, that person has equal access to us to investigate and to write orders, and we do that.

Hon Mr Phillips: I think the straight facts of the matter are that we are, without any question of a doubt, expanding the language of the right to refuse. I think that an analysis of the language in our current Occupational Health and Safety Act and the proposed amendments would acknowledge that we are expanding the right to refuse unsafe work.

Miss Martel: I would have to disagree with the minister. We have a specific case here where

she was involved in repetitive work. It was not a specific or current immediate danger. She was not lifting a significant amount, some kind of rod, etc, that was going to throw her back out. It was after a period of a day doing this kind of work that she could no longer cope. She was upheld by the ministry.

Hon Mr Phillips: I am just saying that if you look at the language in the current Occupational Health and Safety Act and you look at the proposed changes, it expands the right to refuse unsafe work.

Miss Martel: It may expand it over a greater number of workplaces, but in terms of the broader definition of what kind of work you can refuse to do, surely this is a step backward. Surely this is a restriction on the broader definition that appears in the original bill.

Hon Mr Phillips: We could lay the two languages out and say, "Here is the existing language and we're going to add this to it." I think the whole committee would look at that and say, "Yes, indeed, this expands the language on the right to refuse." Honest to goodness, I do not think there would be a debate about that.

Miss Martel: I would have to—

The Chair: I think there will be in clause-by-clause.

Hon Mr Phillips: But it is fairly easy to lay the language out and say: "Yes, there's the existing language; this will add this. Does everyone agree that in the language of those two things we have expanded the right to refuse unsafe work?" I think we would all agree that it does.

Miss Martel: But let me compare the original bill that was agreed upon, that was submitted to the House in January, to what we see here. Sure, the new bill may be better than the current Occupational Health and Safety Act, but you cannot say that what we had in January is better now. That is my concern, that this is not a step ahead, this particular change that you are going to bring in, if we compare it to the language we had in January. Certainly in the case that I have here, this woman would no longer have that right to refuse.

Hon Mr Phillips: Just as long as that is clear, because that is the—

Mr Mackenzie: I thought that is what we were talking about all along.

Miss Martel: That is what I was—

Hon Mr Phillips: No, I am sorry, but I think on Monday I was—

Mr Mackenzie: We are dealing in a vacuum because we do not have your actual amendments.

Hon Mr Phillips: But on Monday it was said that we are taking a step backward from the current act. I think Hansard would show it. I am saying that as you look at the language, you will find that this is a substantial broadening of the right to refuse from the current act.

What I would take issue with, I guess, is that the intent at the time that Bill 208 was introduced was not to include the ergonomic issues in the right to refuse. It was always the intent that those would be dealt with by the joint health and safety committees, and the intent of the amendments is to clarify that.

1630

Miss Martel: When I started my questioning, I compared what we had in January and what we have now. If you take a look at the original bill and look at what we have now, surely the changes you are proposing are not a step forward. We are going backward in the case of these particular people who, right now, would be protected and would have some rights. We have already seen those rights and the ministry approved them, and that is going backward from what we are looking at now.

Mr Fleet: A point of clarification, Mr Chairman, if I might.

The Chair: Why do we not let the exchange finish first?

Mr Fleet: The exchange is getting more confusing, at least to me.

The Chair: You are going to be helpful. All right.

Mr Fleet: I want to ask a question, because I do not understand the point. It is really a question to Miss Martel. As I understand your example, you are talking about an example—you say there are others; I accept that—under the current legislation. Is that right?

Miss Martel: This case was decided in 1988.

The Chair: To be helpful, Mr Fleet, what Miss Martel is saying is that, comparing Bill 208 today with the Bill 208 that some people thought they had in January, it is a step backward. She is not comparing that to the existing legislation.

Mr Fleet: But then it is harder to follow the logic of including the example.

The Chair: Is there anything else, Miss Martel?

Miss Martel: I would like to hear back from the minister.

Hon Mr Phillips: I think we have now clarified that everyone is in agreement that this language is stronger than the current language; so that is helpful. One has different interpretations in these things, but it was never the intent of the drafters of Bill 208 that we would include ergonomic issues in the right to refuse. So I would characterize what we have said here as an attempt to clarify the right to refuse.

The Chair: Miss Martel, we will come back to you if there is time.

Mr McGuigan: Just for my own clarification: If a person were asked under the present act to, let's say, lift a bale that is 100 pounds, which clearly is an invitation for a back injury, a hernia, a strain or whatever, he has a perfect right to refuse under the present system.

Hon Mr Phillips: Under the current wording, Tim, would he?

Mr Millard: That is exactly what we were trying to address. Under the current wording, subsection 23(3) of the act says:

"(3) A worker may refuse to work or do particular work where he has reason to believe that,

"(a) any equipment, machine, device or thing he is to use or operate is likely to endanger himself or another worker;

"(b) the physical condition of the workplace or the part thereof in which he works or is to work is likely to endanger himself; or

"(c) any equipment, machine, device or thing..." is not in proper working condition.

I think I pointed out the other day that we have had situations where people have exercised what they thought was their right to refuse a dangerous work activity, such as lifting, only to have our order appealed and have our director of appeals find that our legislation is wanting in that regard.

So, according to the legislation as it is now written in the Occupational Health and Safety Act, someone who is asked to lift that 100-pound weight, and asked unreasonably to do so—without the assistance of a lifting device or whatever else—would not have the existing right to refuse that work activity the way the Occupational Health and Safety Act is presently written.

Hon Mr Phillips: That is why we are proposing the amendments to provide that right to refuse unsafe work, which would include lifting heavy objects.

Mr McGuigan: How does that differ from the case Miss Martel brought, where the person was upheld in her right to refuse?

Mr Millard: Ultimately we were not upheld by our director of appeals when our authority was challenged to do that before the director of appeals. The director of appeals found that our legislation was wanting in that regard. In the particular one that Miss Martel refers to, I do not believe the decision was appealed, but we did have one that went before the director of appeals and was found to be wanting. Therefore, we are responding to that.

Mr Mackenzie: Another question I want to raise with the minister is one I raised with the assistant deputy just before you came in, and that is about your remarks that you were presenting us with this world-class legislation, the finest health and safety act in God's creation, I guess.

What I want to know is why you did not extend the right to refuse to a broader segment in the public sector. The public sector unions, even before your suggested amendments, have been some of the most bitter opponents of this legislation.

I do not know how you call it the finest legislation anywhere, or why, if in your opinion it is so good, you would not have taken a closer look at maybe the Manitoba situation in terms of the public sector, where they have it and where it has not been abused at all as far as we can ascertain.

How can you call it the finest legislation when one of the major groups that is really unhappy with it is excluded and there are examples in this country of its coverage?

Hon Mr Phillips: I stick by my original comment that when we finish this exercise, this will be the finest piece of legislation around occupational health and safety in North America. That will be a proud accomplishment for us all.

As for the specifics you refer to, public servants do have the right to refuse unsafe work. So we cannot say broadly that public servants do not have the right to refuse unsafe work; they do. However, there are certain restrictions on that around certain categories of public servants. For example, police officers and firemen have restrictions on the right to refuse unsafe work because it has been the collective judgement of legislators that there is perhaps a broader issue at stake, and that is that public safety perhaps takes precedence over the right to refuse unsafe work.

I guess it is a judgement we will all have to make, but if in the middle of a fire there is the right to refuse unsafe work, do we put ourselves into some jeopardy? Or in the middle of some sort of dispute or some assault going on, do we allow our law enforcement officers the right to

refuse that because it is unsafe to head into that situation?

I think we have got to debate that one and see how far we want to extend the right to refuse unsafe work. I guess we are wrestling with that one right now in the correctional institutions, where that has been a recent example. Our ministry is working in co-operation with the union and the Ministry of Correctional Services to see how we can assist the two parties to work through their concern about working conditions but still ensure that we have the safety of the public at interest.

I am saying we must be careful when we say that public servants do not have the right to refuse unsafe work, because broadly they do. There are certain categories that do not, because it has been the historical belief of the Legislature that perhaps there is another interest here, and you get into a conflicting interest, and perhaps we have got to draw the line in terms of public safety with police officers, fire officers and workers in correctional institutions, for example.

Mr Mackenzie: In terms of the right to refuse, I understand the ministry was also given information about both Sweden and the state of Victoria in Australia. Did the minister's people did investigate the experience that those jurisdictions have had?

Hon Mr Phillips: Mr Millard.

Mr Millard: Mr Mackenzie, I will reference directly to you. The right to stop dangerous work as opposed to the right to refuse in this instance, is that the one you are referring to from Australia and Sweden? One of our staff recently has been in Australia for six months on a leave from this ministry.

Mr Mackenzie: In the state of Victoria, incidentally, to be specific. I am told that is the example that was given.

Mr Millard: Yes, and she was fortunate enough to work there on a part-time basis while she was vacationing in Australia and her husband was on a sabbatical. With that anecdotal history provided, she also was able to comment back on her personal observations.

The right to stop dangerous work has been in effect in Victoria for over a year now, and it is a right that accrues to certain individuals who are worker representatives. Their experience at this point is that this right is used sparingly and in a way that both the employer and the worker representatives think is effective. That has been their experience.

In Sweden there is a different configuration. It is not always someone from within the workplace who exercises that function. There are worker health and safety representatives, and you will know that in Sweden there is a governing council of government, labour and management which, in a three-way partnership, oversees a number of these functions.

The right to stop dangerous work accrues in a set of circumstances that are described in their legislation, and they have the right in some of those circumstances to stop dangerous work. I think the collective judgement of the governing council of employers, labour and management is that it has worked effectively.

In the research I have been made aware of there is not any quantifiable result. What we keep looking for as well is, what is the quantifiable result in terms of reduced injuries, lost-time frequencies and that sort of thing, to trace it back? But I think in a qualitative sense, both the employers and labour say it is working.

Mr Mackenzie: Both say it is working, the employees and management of both jurisdictions?

Mr Millard: Yes.

The Chair: Thank you very much for your appearance before the committee today, Minister; and Mr Millard, not just for today, but you and your staff are helping us out this week so that we head out to the public hearings with a better understanding of the bill. We appreciate your assistance.

Hon Mr Phillips: Thank you very much. Good luck.

The Chair: We may need it. Are there any comments by members of the committee before we adjourn until Monday afternoon at 3:30 when we complete, for half an hour, the Temagami report?

Mr Mackenzie: Before we leave, I am wondering if we have any update on some of the background papers which we have been led to understand have been prepared in terms of how you deal with upgrading or downgrading of good companies versus bad companies in terms of the right to refuse; they were referred to earlier in the hearings.

Hon Mr Phillips: We are almost finalizing that. I would think we could provide that, if the committee really needed it, next week; but if you could give us until the new year, that would be slightly preferable.

Mr Mackenzie: And any other background papers. I know that is difficult, because it clearly

indicates you already have made the decisions on the changes you are going to make, but I would like us to have them.

Hon Mr Phillips: I will be careful.

The Chair: When you do get that information,

if you have the wherewithal to make 20 copies, the committee would appreciate it. We could distribute them to members of the committee.

The committee adjourned at 1645.

CONTENTS**Thursday 14 December 1989**

Occupational Health and Safety Statute Law Amendment Act, 1989	R-211
Adjournment	R-223

STANDING COMMITTEE ON RESOURCES DEVELOPMENT**Chair:** Laughren, Floyd (Nickel Belt NDP)**Vice-Chair:** Wildman, Bud (Algoma NDP)

Dietsch, Michael M. (St. Catharines-Brock L)

Fleet, David (High Park-Swansea L)

Lipsett, Ron (Grey L)

Mackenzie, Bob (Hamilton East NDP)

Marland, Margaret (Mississauga South PC)

McGuigan, James F. (Essex-Kent L)

Miller, Gordon I. (Norfolk L)

Riddell, Jack (Huron L)

Wiseman, Douglas J. (Lanark-Renfrew PC)

Substitution:

Martel, Shelley (Sudbury East NDP) for Mr Wildman

Clerk: Mellor, Lynn**Staff:**

Fenson, Avrum, Research Officer, Legislative Research Service

Witnesses:**From the Ministry of Labour:**

Phillips, Hon Gerry, Minister of Labour (Scarborough-Agincourt L)

Millard, T. J., Assistant Deputy Minister, Occupational Health and Safety Division

LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

Monday 18 December 1989

The committee met at 1552 in committee room 1.

ORGANIZATION

The Chair: The standing committee on resources development will come to order. Perhaps, as the first order of business, we could deal with the letter from Mr Wildman which informs us that he is resigning as vice-chairman of the standing committee on resources development, which means that, at least temporarily, we have no vice-chairman of this committee. We are in some difficulty.

Mr Riddell: I nominate Bob Mackenzie.

The Chair: Oh, I hear a nomination. Who will second it?

Mr Dietsch: I will second that.

The Chair: Any other further nominations? Hearing no further nominations, Mr Mackenzie, will you accept the nomination?

Mr Mackenzie: I will accept.

The Chair: Well, we have a new vice-chair in Bob Mackenzie.

Thank you, Bud, for all your help in the last couple of years with some difficult times. Nevertheless, we muddled through. The muddling was not your fault; getting through was your—

Mr Wildman: I am not leaving with any angst.

The Chair: Okay, that is good.

TEMAGAMI DISTRICT RESOURCES (continued)

The Chair: Can we then proceed with the 25 minutes we have left to deal with the Temagami report? Members know that we have to decide (a) whether or not to present a report to the Legislature and (b) what that report should be if a decision is made to present one. That is what we must decide. We must do it all within 25 minutes. If there are any changes to what Lorraine Luski has done, they would have to be done very quickly, expeditiously, because we would not be able to come back and meet again. And if there are minor changes to this, it seems to me we would need approval of the committee to go ahead with the minor changes and present it to the

House because there would not be an opportunity for the committee to get back together again.

Then there is the translation problem since it must be in two languages now, English and French. I would seek some advice from the clerk here, but I think it would have to be tabled as a temporary or interim report while it was being translated and properly presented.

Clerk of the Committee: After it has been adopted, if there is a motion that the committee wishes to have the report tabled in one language only, then it can be done, but preference is to have it tabled in both languages at the same time.

The Chair: But that is not going to happen in the next two days.

Clerk of the Committee: No.

The Chair: Maybe we should put it off until March.

Clerk of the Committee: When the House comes back would be the earliest to have both languages.

The Chair: So that is a bit of a dilemma. If there were some way we could table it, if that is the decision of the committee to actually do a report—perhaps we should not worry about that until we determine whether we are going to present a report to the House. So let's deal with that first; otherwise we would be talking without any purpose. We know that is not allowed in this building. Any comments on the report itself that Lorraine Luski—

Mr Wildman: I have a number of minor changes, mostly grammatical and things like that. In the interests of time, I was wondering whether, if any of us have those kinds of changes, we could just list the pages and the changes where they are so it would not take very long. There are other changes that relate to the substance of the report that will take some debate, but in terms of these kinds of changes maybe it would be easier to go through it that way.

The Chair: You mean, in other words, go through it page by page?

Mr Wildman: I do not think we have time. I was just going to list the page numbers where there are changes and indicate where I think there should be changes.

The Chair: Okay. Is that agreed to by members?

Mr Dietsch: I have a few of the same kinds of changes. I am not sure they require any great deal of debate. They are basically on substance.

The Chair: Why do we not go through it then? Any such changes on pages 1 to 5?

Mr Wildman: On page 2, wherever we refer to Temagami I think it should say the Temagami area because Temagami could be the town of Temagami, if you look in the second full paragraph on that page, the fourth-last line. There are other places in the report where that is also the case.

The Chair: Sure. Do members agree to that? If everybody is agreed, then we can just go ahead and have it done. Okay, we agree to that. Anything else on pages 2 or 3?

Mr Wildman: At the bottom there, it says the appeal "will be heard some time within 1990". We do not know that. It is probably in 1990, but we do not know that. It is up to the court to decide when it hears the appeal.

Mr Dietsch: The appeal will be heard some time in the future?

Ms Luski: That is what Chief Potts said.

Mr Wildman: Yes, but the court decides when it is going to hear an appeal, when it has an announcement that it is going to hear it. They have just announced that they will hear it. I would say "probably in 1990."

Ms Luski: So put "probably" or strike that line or what?

Mr Wildman: I would just put "probably."

Ms Luski: Okay.

The Chair: Is that agreed? Anything on page 3? Other people jump in if you have anything on these pages.

Mr Wildman: On page 3, right at the top there, the 17 years you are referring to is since the caution was filed in the court.

Ms Luski: That is 17 years since 1973, when the matter was before the courts.

Mr Wildman: That is right.

The Chair: Do you want to add that? Is that what you are suggesting, Mr Wildman?

Mr Wildman: Yes, when it was filed in court by the first nations and the chiefs.

The Chair: Is that in agreement? Anything else on page 3? Page 4?

Mr Wildman: Right at the bottom of the quote at the bottom of the page, what is the rest of that quote and what is the reason it was not included?

Ms Luski: I think that was the end of the quote. If you want me to look it up right now, I could do that.

Mr Wildman: I am just wondering. It says "either of—"

Ms Luski: That is verbatim. It does not—

Mr Wildman: But you have the three dots at the end, which indicates the quote goes on.

Ms Luski: Where it says "which we would like to sort out with Professor Benson"?

Mr Wildman: Yes, and after that you have three dots, so it means that it goes on. I am wondering why it was not included. There must be a reason.

Ms Luski: Okay, I can let you know right now—"as the time permits".

Mr Wildman: Okay.

Ms Luski: Do you want me to put that in?

Mr Wildman: No.

The Chair: All right. Anything on pages 5, 6, 7, 8, 9 or 10?

1600

Mr Wildman: Yes, on page 10, under "Access Roads and Their Impact on Resource Management," where it is talking about the results of joining the logging roads. This is not just a grammatical change or something like that. I have a concern about the way this is worded, because it was pointed out to the committee on at least a couple of occasions that even if you put up gates, people can get around them at any time of the year.

Mr Fleet: That is referred to on that page.

The Chair: Yes, it is.

Ms Luski: It is in the last paragraph, just before "Definition of 'Old-Growth' Pine." Gating is dealt with in that paragraph.

The Chair: Are you okay with that, Mr Wildman?

Mr Wildman: No, I am not, because it was not just Gary Potts who brought up gating.

The Chair: Can you put your mind to some new wording there and help Lorraine while we move on?

Mr Wildman: The only change I would like is to point out that Dr Akervall also accepted the position. He did not put it as forcefully as Chief Potts, but it is the same position.

Mr Fleet: But there is a line about what he said at the end of the first paragraph on page 11.

Mr Wildman: Yes, but there he does not refer to gates. I am talking specifically about the gates.

I agree with what it says there, but he also talked about gates, the problem that gates were not effective, as I recall.

Ms Luski: Do you want me to find a sentence where he refers to gating not being effective?

Mr Wildman: Yes, that is what I am suggesting.

The Chair: Okay, if you cannot find something he said, perhaps you could say that several people who appeared before the committee expressed concern that gating could not stop people from accessing the area anyway. Is that okay?

Mr Fleet: When you say several people, whom are you referring to?

The Chair: Well, there was Dr Akervall, Dr Cumming and Chief Potts.

Mr Wildman: If you want a list the ones, you can too, instead of saying several people.

The Chair: I was just trying to make it simpler.

Mr Riddell: Is it not spelled out fairly well now in that last paragraph?

Mr Fleet: Well, if you want to get in what everybody has said on every point—

Mr Wildman: No, I do not.

Mr Wildman: It is not spelled out there but it gives the impression that it was only Chief Potts who took that position, and I have just pointed out that it was not just he.

Mr Fleet: He was certainly the strongest advocate of that problem.

The Chair: Okay, but it seems to me, Mr Wildman, the other people are hitting at it strongly enough by the problem of accessing roads. All right, anything else on page 11?

Ms Luski: So there is no change there?

The Chair: Anything on page 12?

Mr Wildman: Yes. Again, Temagami is referred to a number of times on this page and it should be the Temagami area.

The Chair: Okay.

Mr Wildman: I think you should point out that the tall pines project—I do not know whether it is clear or not, but maybe it is—was a project of the Temagami Wilderness Society.

The Chair: Where is that, Bud?

Mr Wildman: That is in the second paragraph.

The Chair: That is part of the tall pines project for the Temagami Wilderness Society?

Mr Wildman: Yes.

Mr Dietsch: My point is in reference to right at the top of the page, in terms of the report that the minister made with respect to what was reported in the press. I think it would be more appropriate if we took the minister's comments that were made here at the committee hearing as opposed to taking some interpretation of the press.

Ms Luski: Did she announce it in committee?

The Chair: Yes.

Mr Wildman: She referred to it.

Mr Fleet: I do not know if she said the number of hectares, but she certainly did mention the topic.

Ms Luski: Okay, take it out of the press in reference to the committee.

Mr Dietsch: Right. If you want to address it, it is in Hansard.

The Chair: It is a good suggestion. Anything else on page 12?

Mr Wildman: Yes, just the point that "stories" is spelled wrong there. In this case it is "storeys."

The Chair: Where?

Mr Wildman: In the fourth-to-last paragraph.

The Chair: Is that not right?

Ms Luski: I am taking your word for it.

Mr Wildman: You can check it in Webster's dictionary if you like.

Ms Luski: Okay, that refers to storeys of buildings with a "y."

The Chair: Do you have a Webster's dictionary? I would check it if I were you.

Mr Wildman: In the final paragraph it should be, "The US Society of American Foresters" has recognized, not "have recognized." It is one, not plural.

The Chair: Anything else on pages 13 and 14?

Mr Wildman: On page 13, in the bottom quote, the same thing with "understory."

Ms Luski: All right. There is a "y" there.

Mr Wildman: Yes, but it should be "ey."

Ms Luski: Okay.

The Chair: Anything on page 14 or page 15?

Mr Wildman: Should it not be "phenomenon" in the second-to-last line rather than "phenomena"? Is it not singular?

The Chair: Yes, I think that is correct.

Ms Luski: Okay.

The Chair: Anything on page 15?

Mr Wildman: On page 15, again the top of the page, it should be the Temagami area, but why not at some point refer to it as N'Daki Menan since that is what the report was about, the Benson report?

Ms Luski: I think in the context, when the ministry official was explaining it, he was referring to Temagami.

Mr Wildman: Then it should say the Temagami district or the Temagami area.

Mr Dietsch: Or Temagami area.

Ms Luski: Okay.

The Chair: Anything else on page 15?

Mr Dietsch: Yes, at the bottom of the page. We talked about Temagami's Wakimika triangle. I think, as I understand it, only the wilderness society refers to it as the "triangle." So I think we should clearly spell it out that we make reference to it by either calling it the so-called triangle or the area referred to by the TWS.

The Chair: Why could you not say in the "Temagami area" there?

Mr Dietsch: And drop the triangle? Yes, that is probably better.

Ms Luski: In the Temagami area?

Mr Dietsch: Yes.

Mr McGuigan: They call it the Wakimika triangle.

Mr Fleet: They define their area differently than anybody else does.

Mr Wildman: And why not say the Quetico Provincial Park rather than giving the impression it is a town?

Ms Luski: Quetico Provincial Park?

The Chair: Just up the page.

Mr Wildman: At the end of the second-to-last paragraph you say, "The Temagami Wilderness Society responded that their group has never made that claim," which is true, but why not be more positive about what he said, that they did in fact call it the last great stand of pine wilderness? That is the term he used, and he emphasized the word "great."

The Chair: I think that is correct.

Ms Luski: Okay.

The Chair: Anything else on pages 15 or 16?

Mr Wildman: No.

The Chair: Pages 17 or 18?

Mr Wildman: No.

The Chair: Pages 19 or 20?

Mr Wildman: No.

The Chair: Pages 21 or 22?

Mr Dietsch: I have 19.

The Chair: Page 19, Mr Dietsch?

Mr Dietsch: Yes. As the presentation was put forward, when we had the videos, there was some discussion with respect to the clear-cutting in that the slides were put up and there was an indication that the slides were of Temagami. But really, in fairness to the members of the committee and whoever, I think it should be "they claimed" they were of Temagami as opposed to their being Temagami.

Also, the other point is, you talked about the measurement. Once again, I think the wording "they claimed" should be put in there, and it makes reference to it. We do not have any actual fact other than the viewpoint that was put forward. I guess that is what I am concerned about. Okay?

Ms Luski: Do you want me to reword it so that it is clear that this is what they said rather than—

Mr Dietsch: Yes, that they claimed that the sites were located in Temagami and that was the claim of the size of the site.

Ms Luski: I will use that phrase, "according to."

The Chair: I just remembered that we might still be confused about what "sustained yield" means. I urge you to read the minister's explanation on page 18.

Mr Fleet: Nothing could be clearer.

The Chair: I read that on the weekend and I need help. Anything else on page 20?

Mr Dietsch: Would you like me to read it over?

The Chair: No, please do not. Page 21?

Mr Wildman: Northern Platinum Ltd is the actual name of the company in the large paragraph just before the conclusion.

1610

Ms Luski: Northern Platinum Ltd rather than Northern Platinum Mines?

Mr Wildman: Right. Also, the road is spelled differently. It is Kanichee.

Ms Luski: Got it.

Mr Wildman: In the months of October and November the Ministry of Natural Resources removed two bridges, not one bridge.

The Chair: In the months of October and November they removed two bridges?

Mr Wildman: Yes, and then take out the next sentence.

The Chair: Was that understood when the ministry was here? They admitted to it?

Mr McGuigan: Yes, it is right in the report.

Ms Luski: I mention October and November in that paragraph.

The Chair: Oh yes, the next sentence.

Mr Wildman: That is what I said, take out the next sentence and make that change.

Ms Luski: Which sentence would you like removed?

Mr Wildman: The one right after footnote 81.

The Chair: Anything else on page 21?

Mr Wildman: At the bottom: It is a small thing, but could we say the Supreme Court of Canada, so everyone knows that it is the federal court we are referring to?

Ms Luski: Sure.

Mr Dietsch: The other point is right down at the bottom of that larger paragraph that has been recrafted here. It says, "Evidently, the Ministry of Northern Development is looking into the matter."

It was fairly clearly defined, through Hansard, in Mr Wildman's conversation with the Minister of Northern Development (Mr Fontaine), and I think that is what we should put in so that it is clear. They are looking forward, as I understand it, for the group up there to make a presentation to the ministry.

Mr Wildman: That is not quite as clear as you make it. Mr Fontaine said he was looking at it—but so did Mrs McLeod as a matter of fact—but they also said that they were hoping that the promoter or the developer would make a presentation to the northern Ontario resources transportation committee.

Mr Dietsch: That is right and that is the point that has to be inserted, that there should be a presentation made to the NORT committee, and that is—

Mr Wildman: If it is in Hansard, that is fine with me, but I am not sure it is in Hansard.

Mr Dietsch: It was by you in Hansard, as a result of comments that you made in here regarding your conversation with the minister.

Mr Wildman: All right.

Mr Dietsch: It must be right, then.

Mr Wildman: If it is in Hansard, that is fine.

The Chair: There you go.

Ms Luski: So there is a sentence that needs to go in there.

Mr Dietsch: I took it as being gospel when you said it. Was I wrong?

Mr Wildman: I just was not sure it was part of the evidence.

Mr McGuigan: The point is that there is money there that can be accessed but it requires a person to initiate it, and that is not clear here.

Mr Dietsch: Do you understand, the point being that they have to make application and it should—

Ms Luski: The company has to.

Mr Dietsch: Yes. It should be spelled out that way, as opposed to the ministry evidently looking into the matter. There is some onus on the part of the company to make application in the north.

Mr Fleet: Certainly the word "evidently" is not necessary or accurate; it is happening, I guess.

Mr Dietsch: No.

Ms Luski: So just, "The Ministry of Northern Development is looking into that matter," and then add that bit about the company should do whatever it says it is going to do in Hansard.

Mr Dietsch: There is a very clear-cut answer in Hansard.

Mr Wildman: They are supposed to apply to the NORT committee. I do not know whether it is in Hansard. If it is in Hansard, fine, put it in. The NORT committee stands for northern Ontario resources transportation committee.

The Chair: Anything else?

Mr Fleet: I have another question on page 21. There is a reference to jobs that is made by the Temagami Forest Products Association, but in fact there was evidence by the ministry. I remember some discussion about that.

The Chair: Could you be more specific?

Mr Fleet: In your presentation—

The Chair: The ministry's.

Mr Fleet: The ministry's presentation included references to both what it said the number of jobs were and what the industry said the number of jobs were. I am going back a few weeks, but certainly I remember quite distinctly the presentation, because in the presentation there was a discrepancy between how many jobs they referred to and how many they said the industry referred to and it struck me that the discrepancy was quite stark.

The Chair: May we leave that to the discretion of Lorraine, because we have only about five minutes left and we have to make a

critical—let's not have any more discussion on sentences and grammar, because we simply cannot do it. What is the decision of the committee about presenting a report to the Legislature? You all have Mr Wildman's, I think—oh, they don't have that. Do you wish to present what you had, Mr Wildman, if you can do that in a very short period of time?

Mr Wildman: I am not sure I should present that now. This already has been voted down by the committee.

The Chair: I see. So you are talking about that as a dissenting report?

Mr Wildman: Yes.

The Chair: Okay.

Mr Wildman: I have one other point that is not related to grammar or anything.

The Chair: Right, briefly.

Mr Wildman: I think it would be useful if we were to put in somewhere, where we are referring to the Crandall Benson report, the fact that he pointed out there is only regeneration of three per cent success rate for white pine and 13 per cent for red pine. That is a significant figure.

The Chair: Under the regeneration section on page 13?

Mr Fleet: If you want to go back to the substance before our five minutes are up, I have a couple of more questions too.

The Chair: Okay. We have only a couple of minutes left. We have got to get to the determination of what we do with this report. We are not going to talk any more about the content or the grammar. Okay?

Mrs Marland: I do not mind not talking about the grammar, but I want to make one comment on the content since I have not done so. The fact that the matter is complex and there are major issues that have been even more identified by this whole hearing process should not make us back away from making at least a recommendation that this subject be further examined. Surely we can make that recommendation to the House. It may not be this committee, it may not be this year. I am not happy with the fact that we are saying we are not making recommendations because of the complexities.

The Chair: That is fine. Do you want to make a motion to the committee? We have about a minute left. You can do it, but to debate it makes no sense whatsoever.

Mr Wildman: I would move that we make a report with recommendations and I would second Mrs Marland's proposed recommendation.

Mr Dietsch: How many motions are you going to put?

The Chair: There is only one motion before the committee now.

Mr Fleet: Can I move a subamendment then, that the report be without the recommendations and we get those two votes in since we will not have time to debate them?

The Chair: Let's deal with Mrs Marland's recommendation. Who moved the motion? Your motion was—

Mr Wildman: That we would make a report with recommendations, including Mrs Marland's recommendation.

The Chair: Which was?

Mr Wildman: That we recommend to the House that this whole matter be further examined.

The Chair: By?

Mr Wildman: By a committee of the House, I suppose.

The Chair: Can we deal with that as a motion?

Clerk of the Committee: Yes.

The Chair: As long as it is not a negative. You cannot move that it not be one thing and then go on with the other half of it, so Mr Fleet's motion would not be in order. Could we deal with Mr Wildman's motion that the Temagami issue be further studied by a committee of the House?

All those in favour of Mr Wildman's motion?

All those opposed?

Motion negatived.

The Chair: Is there any further amendment?

Mr Fleet: I now move that we bring in this report with the changes we have agreed on so far.

The Chair: There is a motion before the committee.

Mr Wildman: Can I speak to the motion very briefly?

The Chair: There is no time left, so the only thing I would ask to be added to the motion, as a friendly amendment, is that the chair be allowed to approve the final wording based on what we have agreed to here today. Could we incorporate that into Mr Fleet's motion?

Mr Wildman: I would just register our objection to submitting a report without recommendations. To my knowledge, no committee in this House has ever reported to the House without recommendations.

The Chair: We could debate that. However, there is a motion before the committee, Mr

Fleet's motion, that the report be submitted to the House as is with approval for the minor changes that were suggested and agreed to this afternoon.

All those in favour of Mr Fleet's motion?

All those opposed?

Motion agreed to.

Mr Wildman: Before you bring down the gavel, I just want to tell you that we are going to submit a dissenting opinion.

The Chair: That will be attached.

There is one final point on the translation question. Is it the wish of the committee that we table the report this week with the assurance—I do not know how you would word that; maybe the clerk could help me here—that the translation will be done immediately, or as soon as possible? That is a better way of putting it; nothing is done immediately

Clerk of the Committee: Request to table it with the Clerk of the House as soon as it is ready, perhaps.

Mr Fleet: That sounds reasonable.

The Chair: Is that reasonable for other members of the committee? I do not like it myself. Can you put that in a motion, somebody?

Mr Fleet: I move that this report be tabled and that the French translation be tabled at the earliest possible opportunity hereafter.

The Chair: You have heard the motion.

All those in favour?

Opposed?

Motion agreed to.

The Chair: That completes the examination of Temagami. I wish to express my thanks to the committee for being so co-operative under an incredibly tight period of time that we had to work something out. I know that nobody will be totally satisfied, but at the same time this was the first committee, I believe, that has ever done one

of these subcommittee reports under the new standing orders, so it was an interesting experiment. Personally, I sure would think about doing something that expansive another time. I think it is undertaking too big a task. However, the committee tried, so that was the best we could do. This matter is now concluded and we can talk about something else.

Mr Fleet: As to the process, I might suggest that it would be advisable, when the matters are being considered, that there be a kind of consensus closure process so that the problem we had at the end would be avoided. What I am suggesting is that with 10 minutes to go or whatever, a series of motions be agreed upon at the very beginning of the process so that all parties are aware that they are going to hit a deadline.

Similarly, when things are being brought up, certainly we would have saved some time if we had known of some of the minor changes. I think that was true on all sides. That seems to me to be a pragmatic way of dealing with the 12-hour limit. I do not know what you would call that really, but an agreement that at a certain time the chairman would simply move to make sure certain votes were conducted and that they would get done, because I think we kind of pushed our 12 hours with a generous view of the clock at the end. It was the only way we could cope with it at the end.

The Chair: I agree with you that it will have to be done. You really need the last half-hour to be used for tidying up. Anything further on the process?

Clerk of the Committee: No.

The Chair: The next time we get together will be on 15 January, to deal with Bill 208 here in Toronto.

The committee adjourned at 1622.

CONTENTS

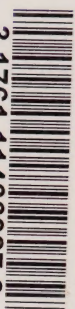
Monday 18 December 1989

Organization	R-225
Temagami district resources	R-225
Adjournment	R-231

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

- Chair:** Laughren, Floyd (Nickel Belt NDP)
- Vice-Chair:** Mackenzie, Bob (Hamilton East NDP)
- Dietsch, Michael M. (St. Catharines-Brock L)
- Fleet, David (High Park-Swansea L)
- Lipsett, Ron (Grey L)
- Marland, Margaret (Mississauga South PC)
- McGuigan, James F. (Essex-Kent L)
- Miller, Gordon I. (Norfolk L)
- Riddell, Jack (Huron L)
- Wildman, Bud (Algoma NDP)
- Wiseman, Douglas J. (Lanark-Renfrew PC)
- Also taking part:**
- Pouliot, Gilles (Lake Nipigon NDP)
- Staff:**
- Luski, Lorraine, Research Officer, Legislative Research Service

NOV 9 1990



3 1761 11466987 2